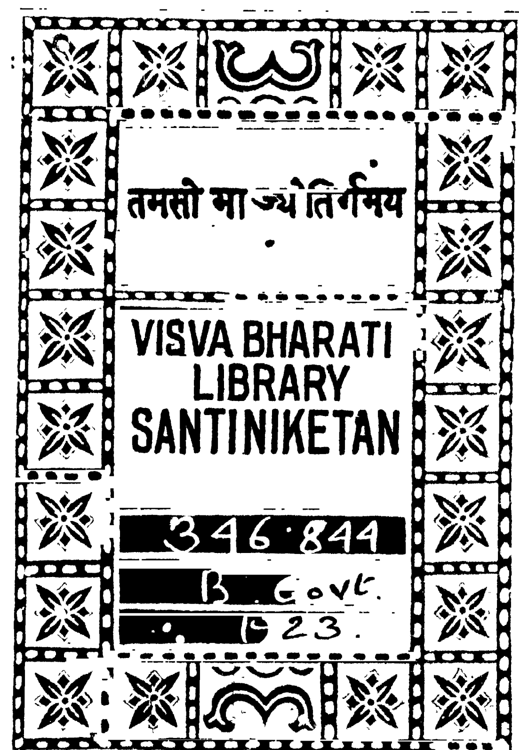


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Government of Bengal

Legislative Department

Bengal Act III of 1923

The Calcutta Municipal Act 1923

As modified up to the 1st October 1941

Superintendent, Government Printing
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STATEMENT OF REPEALS AND AMENDMENTS.

AMENDED	Ben. Act XI of 1923. Ben. Act V of 1926. Ben. Act VI of 1931. Ben. Act I of 1932. Ben. Act III of 1932. Ben. Act XVI of 1932. Ben. Act XXIII of 1932. Ben. Act XI of 1933. Ben. Act III of 1935. Ben. Act XV of 1935. Ben. Act II of 1936. Ben. Act VIII of 1936. Ben. Act XII of 1936. The Government of India (Adaptation of Indian Laws) Order, 1937. Ben. Act V of 1939. Ben. Act XI of 1939.
REPEALED IN PART AND AMENDED ..	Ben. Act IV of 1930. Ben. Act I of 1939.

In reprinting this Act—

(*1*) repealed matter has been omitted, explanatory notes being inserted ;

(*2*) the amendments made by later Acts have been inserted in their proper places with explanatory footnotes ;

(*3*) some further footnotes have been added for convenience of reference ; and

(*4*) the marginal notes have, in some cases, been revised.

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Bengal Act III of 1923.

(THE CALCUTTA MUNICIPAL ACT, 1923.)[1]

As modified up to the 1st October 1941.

[*18th July, 1923.*]

An Act to amend and consolidate the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta.

WHEREAS it is expedient to amend and consolidate, in the manner hereinafter appearing, the law relating to the municipal affairs of the town and suburbs of Calcutta; **Preamble.**

5 and 6, Geo. V, c. 61; 6 and 7, Geo. V, c. 37; 9 and 10, Geo. V, c. 101.

AND WHEREAS the previous sanction of the Governor General required by section 80A, sub-section (*3*), of the Government of India Act, has been obtained to the passing of this Act;

It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Calcutta Municipal Act, 1923.

(*2*) Except as is hereinafter otherwise expressly provided, it applies only to Calcutta.

(*3*) It shall come into force on the first day of April, 1924:

[2]* * * * *

[1]For Statement of Objects and Reasons, *see Calcutta Gazette*, 1921, pt. IV, pp. 393-396; for Report of Select Committee, *see Calcutta Gazette*, Extraordinary, dated the 19th January, 1923, pp. 3-42; and for proceedings in Council, *see* the Bengal Legislative Council Proceedings, 1921, Vol. V, pp. 121-134, 409-456, 458-495, and 513-542, and 1922, Vols. VII and VIII, pp. 28 and 29 and 87-108; and 1923, Vol. XI, No. 1, p. 87, and Vol. XI, No. 2, pp. 13-69, 76-170, 183-223, 233-278, 284-462 and 470-527; and Vol. XI, No. 4, pp. 4-62 and 66-243.

[2]The proviso and the Explanation to sub-section (*3*) of s. 1 were repealed by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

(Part I.—Chapter I.—Preliminary.—Section 2.)

Repeal of enactments and savings.

2. (*1*) The following enactments are hereby repealed, namely:—

(*a*) the Calcutta Municipal Act, 1899, Ben. Act III of 1899.

(*b*) the Calcutta Municipal (Loans) Act, 1914, and Ben. Act IV of 1914.

(*c*) the Calcutta Municipal (Amendment) Act, 1917. Ben. Act I of 1917.

(*2*) In the area added to Calcutta—

(*a*) the Bengal Municipal Act, 1884, and Ben. Act III of 1884.

(*b*) the Bengal Food Adulteration Act, 1919, Ben. Act VI of 1919.

shall be deemed to be repealed.

(*3*) Every budget passed, loan taken, assessment, plan of a projected public street, measurement or division made, standard plan of a *bustee* approved, license, permission or sanction granted and debenture or notice issued under the Calcutta Municipal Act, 1899, shall, so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been respectively passed, taken, made, approved, granted or issued under this Act, and shall (unless previously altered, modified, cancelled, repaid, suspended, surrendered or withdrawn, as the case may be, under this Act) remain in force for the period (if any) for which it was so passed, taken, made, approved, granted or issued.

(*4*) Except as the [1][Provincial Government] may otherwise, by notification in the [2][*Official Gazette*], direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the provisions of the Calcutta Municipal Act. 1899, and in force at the date of the commencement of this Act, shall apply to the area added to Calcutta in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under either of the Acts repealed in such area under sub-section (*2*), and every appointment made in the area added to Calcutta under either of the said Acts shall, so far as it is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made under the provisions of this Act, unless and until it is superseded by any appointment made under this Act.

---

[1]These words were substituted for the words "Local Government" by paragraph 4 (*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]These words were substituted for the words "*Calcutta Gazette*," *ibid.*

(*5*) The [1][Provincial Government] may, by notification in the [2][*Official Gazette*], appoint a person to exercise and perform the powers and duties which are conferred or imposed by or under this Act on the Executive Officer until that officer is appointed under section 51, sub-section (*1*).

3. For the purposes of this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(*1*) the expression "area added to Calcutta" means— **"Area added to Calcutta."**

(*i*) the Maniktala Municipality;

(*ii*) the Cossipur-Chitpur Municipality;

(*iii*) [3][the area within the limits of the Garden Reach Municipality as constituted at the commencement of this Act which had been acquired prior to the commencement of the Garden Reach Municipality Act, 1932, by the Commissioners for the Port of Calcutta, for the construction of King George's Dock and the works in connection therewith]; **Ben. Act III of 1932.**

(*iv*) the new Dock Extension area, vested in the Commissioners of the Port of Calcutta, for the construction of King George's Dock and the works in connection therewith and lying partly within the jurisdiction of the District Board of the 24-Parganas and partly within the jurisdiction of the South Suburban Municipality; and

(*v*) that portion of the Tollyganj Municipality which comprises the Ballyganj Pumping Station and the High Level Outfall Sewer;

(*2*) an article shall be deemed to be "adulterated"— **"Adulterated."**

(*a*) in the case of drugs—

(*i*) if, when it is sold or exposed for sale under or by a name recognised in the British, German,

[1] *See* footnote 1 on p. 2, *ante*.

[2] *See* footnote 2 on p. 2, *ante*.

[3] These words were substituted for the words "the Garden Reach Municipality" by the Garden Reach Municipality Act, 1932 (Ben. Act III of 1932).

American or any other Pharmacopœia which the [1][Provincial Government] may specify by notification in the [2][*Official Gazette*], it differs from the standard of strength, quality or purity laid down in the said Pharmacopœia, unless the standard of strength, quality or purity of such drug be plainly stated on the bottle, box or other receptacle, or

(*ii*) if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale;

(*b*) in the case of confectionery—

if it contains any mineral substance or poisonous colour or flavour or other ingredients deleterious or detrimental to health; and

(*c*) in the case of food—

(*i*) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, or

(*ii*) if any substance has been substituted wholly or in part for the article, or

(*iii*) if any valuable constituent of the article has been wholly or in part abstracted, or

(*iv*) if it is mixed, coloured, powdered, coated or stained in a manner whereby damage or inferiority is concealed, or

(*v*) if it does not comply with the standard prescribed therefor by or under this Act or under any other law for the time being in force, or

(*vi*) if it contains or is mixed or diluted with any substance in

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

any quantity to the prejudice of the purchaser or consumer or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same in a pure or normal state and in an undeteriorated and sound condition, or

(*vii*) if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, or

(*viii*) if it is not of the nature, substance or quality which it purports or is represented to be;

(*3*) "agent" in section 46 and in Schedule II includes an election agent; "Agent."

[1][(*3A*) "Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;] "Anglo-Indian."

(*4*) "assessment-book" means the municipal assessment book prescribed by section 143, and includes any books subsidiary thereto; "Assessment-book."

(*5*) "*bazar*" means any place of trade (other than a market) where there is a collection of shops or warehouses which the Corporation may, by resolution, declare to be a *bazar;* "*Bazar.*"

(*6*) "budget-grant" means a sum entered on the expenditure side of a Budget Estimate which has been finally adopted, and includes also any sum by which a budget-grant is at any time increased by a transfer under clause (*c*) of sub-section (*1*) of section 95; "Budget-grant."

(*7*) "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding ten feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include a *hogla* or other similar kind of temporary shed erected on ceremonial festive occasions; "Building."

---

[1]Clause (*3A*) was inserted by s. 2 (*1*) of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

"Building-line." (8) "building-line" means the line up to which the main wall of a building abutting on a street or a projected public street may lawfully extend;

"Building of the warehouse class." (9) "building of the warehouse class" means a building the whole, or a substantial part of which is used, or intended to be used, as a warehouse, factory, manufactory, brewery, or distillery, or for any similar purpose, which is neither a "domestic building," nor a "public building" as defined in this section, and includes a hut used or intended to be used for any of the purposes mentioned in this clause;

"*Bustee*." (10) "*bustee*" means an area containing land occupied by, or for the purposes of, any collection of huts—

(a) standing on a plot of land not less than ten *cottahs* in area and bearing one number in the assessment book, or

(b) standing on two or more plots of land which are adjacent to one another and exceed in the aggregate one *bigha* in area;

"Calcutta." (11) "Calcutta" includes the area added to Calcutta and means the area described in Schedule I and any other area which the [1][Provincial Government] may include in that schedule on the issue of a notification in the [2][*Official Gazette*] under section 543;

"Candidate." (12) "candidate" in section 46 and in Schedule II means a person who has been nominated as a candidate at any election of a Councillor or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election;

"Carriage." (13) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a *jinrickshaw*, but does not include a bicycle and a

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

tricycle [1]* * * *
or a perambulator or other form of vehicle designed for the conveyance of small children;

(*14*) "cart" means any cart, hackery or wheeled vehicle with or without springs, which is not a "carriage" as defined in this section, and includes a hand-cart, [2][but does not include any wheeled vehicle which is propelled by mechanical power or its trailer]; "Cart."

(*15*) "connected-privy" means a privy which is directly connected with a sewer; "Connected-privy."

(*16*) "connected-urinal" means a urinal which is directly connected with a sewer; "Connected-urinal."

(*17*) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule II; "Corrupt practice."

(*18*) the expression "cubical extent" when used with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest or only storey; "Cubical extent."

(*19*) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop, or other place from which milk is supplied only on, or for, sale or in which milk is kept, or used for the purposes of sale, or manufacture into butter, *ghee*, cheese, curds, or dried, [3][sterilized] or condensed milk, for sale, "Dairy."

and in the case of a dairyman, who does not occupy any premises for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include—

(*a*) a shop from which milk is not supplied otherwise than in properly closed and un-opened receptacles in which it was delivered to the shop, or

(*b*) a shop or other place in which milk is sold for consumption on the premises only, or

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[1]The words "(other than a motor bicycle or motor tricycle)" were omitted by the Bengal Motor Vehicles Tax Act, 1932 (Ben. Act I of 1932).

[2]These words in square brackets were added, *ibid.*

[3]This word was inserted by the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(*c*) a shop or place from which milk is sold or supplied in hermetically closed and un-opened receptacles in the same original condition in which it was first received in such shop or place;

"Dairyman."

(*20*) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail;

"Dangerous disease."

(*21*) "dangerous disease" means—

(*a*) cholera, plague, small-pox, cerebrospinal meningitis and diphtheria; and

(*b*) any other epidemic, endemic or infectious disease which the [1][Provincial Government] may, by notification in the [2][*Official Gazette*], declare to be a dangerous disease for the purposes of this Act;

"Depôt."

(*22*) "depôt" means a place where bulky articles are stored, whether for sale or otherwise but not for domestic consumption, in quantities exceeding fifty maunds;

"Domestic building."

(*23*) "domestic building" includes a dwelling-house and any other masonry building which is neither a "building of the ware-house class" nor a "public building," as defined in this section, nor a place exclusively used for private worship;

"Domestic purposes."

(*24*) a supply of water for "domestic purposes" shall not be deemed to include a supply—

(*a*) for animals or for washing carriages, where such animals or carriages are kept for sale or hire,

(*b*) for any trade, manufacture or business,

(*c*) for fountains,

(*d*) for watering gardens or streets,

(*e*) for any ornamental or mechanical purpose,

(*f*) for building purposes, or

(*g*) for flushing purposes;

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

(*Part I.—Chapter I.—Preliminary.—Section 3.*)

(*25*) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other devise for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water; "Drain."

(*26*) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use; "Drug."

(*27*) "dwelling house" means a masonry building constructed, used or adapted to be used wholly or principally for human habitation; "Dwelling house."

[1](*28*) "edible oil" means cocoanut oil, cotton seed oil, groundnut oil, olive oil, til (sesame) oil, in their pure state, imported salad oil labelled as such, any vegetable oil prepared by any hardening process such as hydrogenation, labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, and any other oil that the [2][Provincial Government] may, by notification in the [3][*Official Gazette*], declare to be an edible oil for the purposes of this Act; "Edible oil."

[1](*28a*) "edible fat" means fat that is prepared in a manner approved by the Health Officer of the Corporation from healthy goats, sheep, pigs, cows, buffaloes, or any other animal that the [2][Provincial Government] may, by notification in the [3][*Official Gazette*], specify for the purposes of this clause; "Edible fat."

(*29*) "election agent" means the person appointed under section 27, sub-section (*2*), by a candidate as his agent for an election; "Election agent."

(*30*) "Executive Officer" means the Chief Executive Officer appointed under section 51, sub-section (*1*), and includes an acting Executive Officer appointed during his temporary absence; "Executive Officer."

(*31*) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into "Food."

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[1]Clauses (*28*) and (*28a*) were substituted for the original clause 28 by s. 2 of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[2]*See* footnote 1 on p. 2, *ante*.

[3]*See* footnote 2 on p. 2, *ante*.

or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

"Habitable room."

(32) "habitable room" means a room constructed or adapted for human habitation;

"Half-year."

(33) "half year" means half of a financial year;

"House-drain."

(34) "house-drain" means any drain of, and used for the drainage of, one or more premises;

"House-gully."

(35) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom and includes the air space above such passage or land;

"Hut."

(36) "hut" means any building, no substantial part of which, excluding the walls up to a height of eighteen inches above the floor or floor level, is constructed of masonry, steel, iron or other metal;

"Inhabited room."

(37) "inhabited room" means a room in which some person passes the night, or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room;

"Label."

(38) "label" includes any tag, brand, mark or statement in writing on or attached to or used in connection with any package containing any article of food, drug or substance;

"Market."

(39) "market" includes any place where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock, or any other article of food;

"Masonry building."

(40) "masonry building" means any building other than a hut, and includes any structure a substantial part of which is made of masonry, steel, iron or other metal;

"Milk."

(41) "milk" includes cream, skimmed milk, separated milk and [1][condensed, sterilized or] desiccated milk;

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[1]These words were substituted for the words "condensed and" by s. 2 (*ii*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(Part I.—Chapter I.—Preliminary.—Section 3.)

(*42*) all drugs or articles of food which enter into the composition of food, the package, [1][mark] or label of which bears any statement, design or device regarding such drugs or articles or the ingredients or substances contained therein as may be false or may mislead in any particular, shall be deemed to be "misbranded"; and a drug or an article of food shall also be deemed to be misbranded, if it is offered for sale under the name of another drug or article of food; "Misbranded."

(*43*) "municipal drain" means a drain vested in the Corporation; "Municipal drain."

(*44*) "municipal market" means a market belonging to or maintained by the Corporation; "Municipal market."

(*45*) "municipal slaughter-house" means a slaughter-house belonging to or maintained by the Corporation; "Municipal slaughter-house."

(*46*) the expression "new building" means and includes— "New building."

(*a*) any building erected from the ground upwards after the commencement of this Act,

(*b*) any building which, having collapsed or been demolished or burnt down for more than one-half of its cubical extent, is re-erected wholly or partially after the commencement of this Act, whether the dimensions of the re-erected building are the same as those of the original building or not,

(*c*) any hut which is converted into a masonry building after the commencement of this Act, and

(*d*) any building not originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Act:

Explanation.—Sub-clause (*b*) applies whether more than half the cubical extent has collapsed or been demolished or burnt down at the same time or at different times;

(*47*) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the "Nuisance."

[1]This word was inserted by s. 2 (*iii*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

"Occupier." (*48*) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or otherwise using, his own land or building and also a rent-free tenant;

"Offensive matter." (*49*) "offensive matter" means a kitchen or stable refuse, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section;

"Owner." (*50*) "owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver or who would so receive such rent if the land, building or part thereof were let to a tenant;

"Package." (*51*) "package" includes every means by which goods for carriage or for storage or for sale are cased in, covered, enclosed, contained or packed;

"Party-wall." (*52*) "party-wall" means a wall forming part of a building and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners or constructed or adapted to be occupied by different persons;

"Platform." (*53*) the word "platform," when used with reference to a privy, means the surface containing the aperture through which the sewage passes into the receptacle or sewer;

"Private street." (*54*) "private street" means any street, road, lane, gully, alley, passage or square which is not a "public street" as defined in this section, and includes any passage securing access to four or more premises, belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is not less than eight feet wide;

(*55*) "public analyst" means any person to be appointed by the Corporation to perform the duties and to exercise the powers of a public analyst prescribed by this Act; "Public analyst."

(*56*) "public building" means a masonry building constructed, used or adapted to be used— "Public building."

(*a*) as a place of public worship, or as a school, college or other place of instruction (not being a dwelling-house so used), or as a hospital, work-house, public theatre, public hall, public concert-room, public ball room, public lecture-room, public library or public exhibition room, or as a public place of assembly, or

(*b*) for any other public purpose, or

(*c*) as an hotel, lodging-house, home, refuge or shelter, where the building exceeds in cubical extent two hundred and fifty thousand cubic feet or has sleeping accommodation for more than one hundred persons;

(*57*) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way, "Public street."

and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the footway attached to any such street, public bridge or causeway, and

(*c*) the drains attached to any such street, public bridge or causeway,

and, where there is no drain attached to any such street, shall, unless the contrary is shown, be deemed to include also, all land up to the outer wall of the premises abutting on the street, or, if a street alignment has been fixed, then up to such alignment;

(*58*) "railway" includes a tramway; "Railway."

Ben. Act VI of 1914. (*59*) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914; "Registered medical practitioner."

"Reside." (*60*) (*a*) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment, and

(*b*) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

"Rubbish." (*61*) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "offensive matter" as defined in this section;

"Scheduled Castes." [1][(*61A*) "scheduled castes" mean the castes, races or tribes, or parts of or groups within castes, races or tribes specified in Part III of the Schedule to the Government of India (Scheduled Castes) Order, 1936;]

"Service-privy." (*62*) "service-privy" means a fixed privy which is cleansed by hand, but does not include a movable commode;

"Service-urinal." (*63*) "service-urinal" means a fixed urinal which is cleansed by hand;

"Sewage." (*64*) "sewage" means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

"Sky-sign." (*65*) "sky-sign" means any word, letter, model, sign, device or other representation, in the nature of an advertisement, announcement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part upon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes—

(*a*) every part of such support, and

(*b*) any balloon, parachute or similar device employed wholly or in part for the

[1]Clause (*61A*) was inserted by s. 2 (*2*) of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

purposes of any advertisement or announcement, on, over or above any building, structure or erection of any kind, or on or over any street or public place;

but shall not be deemed to include—

(*i*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purposes of any advertisement or announcement,

(*ii*) any sign on any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, on the cornice or blocking-course of any wall, or to the ridge of a roof, if such contrivance be of one continuous face and not open work and does not extend in height more than three feet above any part of such wall, parapet or ridge, or

(*iii*) any representation which relates exclusively to the business of a railway company, and which is placed wholly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to a railway company, and which is also so placed that it could not fall into any street or public place;

(*66*) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat; "Slaughter-house."

(*67*) "street" means a public or private street; "Street."

(*68*) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land; and "Street alignment."

(*69*) "year" means a financial year. "Year."

4. The Corporation may decide whether any particular area is or is not a "*bustee*" as defined in section 3, and their decision shall be final. **Power to Corporation to decide whether area is a *bustee* or not.**

PART II.

Constitution and Government.

CHAPTER II.

THE CORPORATION.

Constitution.

Constitution and incorporation of the Corporation.

5. The Corporation shall consist of—

(*a*) [1][eighty-five] elected Councillors,

[2][(*b*) eight Councillors to be appointed by the Provincial Government, of whom three shall be members of the scheduled castes and the remainder shall be appointed—

(*i*) to secure the association in the municipal administration of persons specially fitted in the opinion of the Provincial Government for appointment as Councillors; and

(*ii*) to secure the representation of such minorities, as are not specially represented by elected Councillors:

Provided that the Provincial Government may, in addition to the persons elected as Councillors to represent labour constituency, appoint one Councillor to represent the interests of labour employed within the limits of Calcutta, and],

(*c*) five Aldermen to be elected by the Councillors in the manner provided in section 9,

and shall, by the name of "the Corporation of Calcutta," be a body corporate and have perpetual succession and a common seal, and may by such name sue and be sued.

Property vested in the Corporation.

6. All property, movable and immovable, and all interests of whatsoever nature or kind therein, vested in the Corporation of Calcutta as constituted under the

[1]The word "eighty-five" was substituted for the word "seventy-seven" by s. 3 (*1*) of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

[2]Clause (*b*) was substituted for the original clause by s. 3 (*2*), *ibid.*

Ben. Act III of 1899.

Calcuta Municipal Act, 1899, at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said Corporation, and all rights and interests in immovable property situated within the area added to Calcutta which are now vested in, or held in trust for, the Commissioners of the Maniktala, Cossipur-Chitpur, Garden Reach and Tollyganj Municipalities and all movable property now vested in or held in trust for, and all sums due at the commencement of this Act, whether on account of rates, tolls, taxes and fees or otherwise, to the Commissioners of the Maniktala, Cossipur-Chitpur or Garden Reach Municipalities, shall be deemed to be vested in the Corporation as constituted under this Act.

Transfer of liabilities.

Ben. Act III of 1899.

7. All contracts made and liabilities incurred by the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1899, or by the Commissioners of the Maniktala or Cossipur-Chitpur or Garden Reach Municipalities, may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Corporation of Calcutta as constituted under this Act.

Constituencies.

8. The elected Councillors shall be elected by the constituencies specified in Schedule III, and the number of Councillors to be elected by each constituency and the number of seats to be reserved for [1][members of the Scheduled Caste in any general constituency] shall be as stated therein against that constituency.

Election of Aldermen.

9. (*1*) The five Aldermen referred to in clause (*c*) of section 5 shall be elected at a meeting of the elected and appointed Councillors to be held after the publication of the results of a general election and of the appointments made at that time within such period as the [2][Provincial Government] may fix and in such manner as they may prescribe, and such election shall take effect from the date on which the general election takes effect:

Provided that no Councillor shall be entitled to be elected as an Alderman.

(*2*) If there is any dispute as to the election of an Alderman, the matter shall be referred to for the decision of the [2][Provincial Government], whose decision shall be final. If the [2][Provincial Government] set aside any such election, a fresh election shall be held.

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[1]These words were substituted for the words "Muhammadans in any constituency" by s. 4 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

[2]*See* footnote 1 on p. 2, *ante*.

(Part II.—Chapter II.—The Corporation.—Sections 10—12.)

Annual election of Mayor and Deputy Mayor.

10. (*1*) The Corporation shall, at their first meeting in each year, elect two of their number to be Mayor and Deputy Mayor, respectively, until the first meeting in the next following year.

(*2*) If any vacancy occurs in the office of Mayor or Deputy Mayor, the Corporation shall elect one of their number to fill such vacancy, and the Mayor or Deputy Mayor so appointed shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue in office.

Powers, duties and functions of the Corporation.

Annual administration report and statement of accounts by the Corporation.

11. (*1*) The Corporation shall, as soon as may be after each first day of April, cause to be prepared a detailed report of the municipal administration of Calcutta during the previous year, together with a statement showing the amounts of the receipts and disbursements, respectivley, credited and debited to the Municipal Fund during the said year, and the balance at the credit of the said fund at the close of the said year; and a report for the same period from the head of each department of the Corporation shall be incorporated in the said report.

(*2*) The Corporation shall thereupon forward a copy of the said report and statement to each Councillor and Alderman and to the [1][Provincial Government].

(*3*) The Corporation shall, as soon as may be thereafter, consider the said report and statement, and a copy of the proceedings of any meeting at which the same may be discussed shall be forwarded by the Corporation to the [1][Provincial Government].

(*4*) Copies of all the aforesaid documents shall be obtainable by any person requiring the same, on payment of such reasonable fee for each copy as the Corporation may determine.

Delegation of Corporation's functions.

12. (*1*) The Corporation may, by a resolution passed at a special meeting, delegate to the Executive Officer any of the Corporation's powers, duties or functions under this Act or under any rule or by-law made thereunder.

(*2*) The Executive Officer may, by a general or special order in writing, re-delegate to any municipal

[1]*See* footnote 1 on p. 2, *ante*.

officer any of the powers, duties or functions which have been delegated to him by the Corporation under sub-section (1).

(3) The Executive Officer may, by a general or special order in writing, delegate to any municipal officer any of the powers, duties or functions conferred or imposed upon or vested in him under this Act or under any rule or by-law made thereunder, except those conferred or imposed upon or vested in him under section 140 of this Act:

Provided that when, by any order made under this sub-section, any power to enter premises between sunset and sunrise is delegated to any municipal officer, the name of such officer, as well as his official designation, shall be specified in the order.

(4) The exercise or discharge by the Executive Officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Corporation; and the exercise or discharge by any municipal officer of any powers, duties or functions delegated to him under sub-section (2) or sub-section (3) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Executive Officer:

Provided that, if, in delegating any of their powers, duties or functions to the Executive Officer under sub-section (1) the Corporation direct that the action of that officer shall be final, then the exercise or discharge by him of the power, duty or function so delegated shall not be subject to control or revision by the Corporation.

Exercise of functions to be subject to sanction of the necessary expenditure.

13. The exercise or performance by any municipal officer of any power conferred or duty imposed by or under this Act which will involve expenditure shall, except in any case specified in the proviso to section 85, be subject to the following conditions, namely:—

(a) such expenditure, so far as it is to be incurred in the year in which such power is exercised or duty performed, shall be provided for under a current budget-grant, and,

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said year, liability for such expenditure shall not be incurred without the sanction of the Corporation:

Provided that clause (*b*) shall not apply where the proposed expenditure is covered by a current budget-grant and is such that it can be discontinued in the next year's budget.

Control by the [1]*[Provincial Government]*.

Sanction of Provincial Government required to projects costing two and a half lakhs or over.

14. When any project is framed by the Corporation for the execution of any work or series of works the entire estimated cost of which amounts to two and a half lakhs of rupees or more, then, notwithstanding that the cost may be included in a Budget Estimate as finally adopted under Chapter VII,—

(*a*) the work shall not be commenced until the project has been sanctioned by the [1][Provincial Government], and,

(*b*) if any material change be made in the project after it has been so sanctioned, such change shall not be carried into effect unless and until it is sanctioned by the [1][Provincial Government].

Power to Provincial Government to require returns, etc.

15. The [1][Provincial Government] may require the Corporation to furnish them with—

(*a*) any return, statement, estimate, statistics or other information, regarding any matter under their control;

(*b*) a report on any such matter; or

(*c*) a copy of any document in their charge.

Power to Provincial Government to depute officers to make inspection or examination and report.

16. (*1*) The [1][Provincial Government] may depute any officer or officers to make an inspection or examination of any department, office, service, work or thing under the control of the Corporation, and to report to them the result of such inspection or examination.

(*2*) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of Calcutta, and may require the Corporation—

(*a*) to produce any record, correspondence, plan or other document which is in their possession or under their control;

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[1]*See* footnote 1 on p. 2, *ante*.

(Part. II.—Chapter II.—The Corporation.—Sections 17, 18.)

(*b*) to furnish any return, plan, estimate, statement, account or statistics; or

(*c*) to furnish any report.

(*3*) Every requisition made under sub-section (*2*) shall be complied with by the Corporation without delay.

17. If, on receipt of any document furnished under section 15 or any report submitted under section 16, the [1][Provincial Government] are of opinion that— **Power to Provincial Government to require Corporation to take action.**

(*a*) any of the duties imposed by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(*b*) adequate financial provision has not been made for the performance of any such duty,

the [1][Provincial Government] may, by written order, direct the Corporation within a period to be specified in the order,—

(*i*) to make arrangements to their satisfaction for the proper performance of the duties referred to in clause (*a*), or to make financial provision to their satisfaction for the performance of any such duty, as the case may be, or

(*ii*) to show cause to the satisfaction of the [1][Provincial Government] against the making of such arrangements or provision, as the case may be.

18. (*1*) If, within the period fixed by any order issued under section 17, any action directed under clause (*i*) of that section has not been duly taken, or cause has not been shown as aforesaid, the [1][Provincial Government] may, by order,— **Procedure by Provincial Government where Corporation fail to take action.**

(*a*) appoint some person to take the action so directed,

(*b*) fix the remuneration to be paid to him, and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund and, if necessary, that the consolidated rate or other taxes authorized by Part IV shall be levied or increased, but not so as to exceed any *maximum* prescribed by that part.

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[1]*See* footnote 1 on p. 2, *ante*.

(2) The person appointed under sub-section (1) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred by or under this Act which are specified in that behalf in the order issued under sub-section (1).

(3) The [1][Provincial Government] may, in addition to or instead of directing under sub-section (1) the levy or increase of the consolidated rate or other taxes, direct, by notification in the [2][*Official Gazette*], that any sum of money which may, in their opinion, be required for giving effect to any order issued under that sub-section be borrowed by way of debenture on the security of the said rate or all or any of the said taxes, or of both the said rate and all or any of the said taxes, at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of Chapter VIII shall apply to any loan raised in pursuance of sub-section (3).

Power of Provincial Government to annul illegal proceedings of Corporation.

19. The [1][Provincial Government] may, after consideration of any representation which may be made by the Corporation, by written order, annul any proceeding of the Corporation which they consider not to be in conformity with law or with the rules or by-laws in force thereunder, and may do all things necessary to secure such conformity.

CHAPTER III.

ELECTION AND APPOINTMENT OF COUNCILLORS AND ALDERMEN.

Qualifications of Electors, Councillors and Aldermen.

Qualifications of electors.

20. (1) Subject to the provisions of any other law on the subject for the time being in force—

[3][(i) every Muhammadan* shall be qualified as an elector of a Muhammadan constituency,

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.
[3]These words, letters and brackets within square brackets were substituted for the words "every person shall be qualified as an elector of a general constituency specified in Schedule III" by s. 5 (a) of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939)."

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 20.)

(*ii*) every Anglo-Indian shall be qualified as an elector of an Anglo-Indian constituency, and

(*iii*) every person other than a Muhammadan or an Anglo-Indian shall be qualified as an elector of a general constituency,

specified in Schedule III], who owns or occupies or resides in any premises, or exercises any profession, trade or calling, within that constituency, if such person—

(*a*) being [1][or having been] the owner or occupier of any premises liable to be assessed to the consolidated rate under Chapter X, or being [1][or having been] the owner or person in charge of any carriage or animal liable to the tax under Chapter XI, or being [1][or having been] a person liable to the tax on professions, trades or callings under Chapter XII, or, in the case of the first general election held under this Act, under the corresponding chapters of the Calcutta Municipal Act, 1899,— Ben. Act III of 1899.

has, as such owner, occupier or person, as the case may be, paid directly to the Corporation a sum not less than twelve rupees in respect of such consolidated rate, or in respect of such taxes, or in respect of both such rate and taxes:

[2]* * * * *

[3][Provided that such payment has been made during and in respect of the year (or any portion of the year) last preceding the year in which the election is held.]

Provided also that for the purposes of clause (*a*) the members of the Auxiliary Force who are exempted by the Corporation from paying the tax on horses used for the force shall be considered to have paid such tax; or

[4](*aa*) being or having been a person who keeps for use a motor vehicle for carrying passengers

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[1]These words were inserted by s. 8 (*a*) (*i*) of the Calcutta Municipal (No. II) Act, 1923 (Ben. Act XI of 1923).

[2]The first proviso was omitted by s. 8 (*a*) (*ii*) of the Calcutta Municipal (No. II) Act, 1923 (Ben. Act XI of 1923).

[3]This proviso was substituted for the original proviso by s. 8 (*a*) (*iii*) *ibid.*

[4]Clause (*aa*) was inserted by s. 2 (*a*) of the Calcutta Municipal (Second Amendment) Act, 1935 (Ben. Act II of 1936).

which is liable to the tax under the Bengal Motor Vehicles Tax Act, 1932, has paid to the [1][Provincial Government] a sum not less than twelve rupees in respect of such tax: Ben. Act I of 1932.

[2][Provided that such payment has been made in respect of the year last preceding the year in which the election is held or any portion thereof and before the expiration of that year; or]

[3][(*b*) being or having been the occupier of any premises valued for assessment purposes under this Act or, in the case of the first general election held under this Act, under the Calcutta Municipal Act, 1899, or of a portion of any such premises has, at any time during the year last preceding the year in which the election is held, paid rent for such occupancy for at least six months during the said year at a rate not less than twenty-five rupees per mensem, and has on application to the Executive Officer had his name entered in a Register to be maintained for the purpose:

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf; or]

[3][(*c*) being or having been, for not less than six consecutive months during the year last preceding the year in which the election is held, the owner of a hut in a *bustee* valued for assessment purposes under Chapter X, or, in the case of the first general election held under this Act, under the corresponding chapter of the Calcutta Municipal Act, 1899, and on account of which a sum of not less than twelve rupees has been paid during the said year in respect of the consolidated rate, has on application to the Executive Officer had his name entered in a register to be maintained for the purpose: Ben. Act III of 1899.

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[1]*See* footnote 1 on p. 2, *ante*.

[2]This proviso was substituted for the original proviso to s. 20 (*1*) (*aa*) by s. 2 of the Calcutta Municipal (Amendment) Act, 1936 (Ben. Act VIII of 1936).

[3]These clauses (*b*) and (*c*) in s. 20 (*1*) were substituted for the original ones by ss. 8 (*b*) and 8 (*c*) of the Calcutta Municipal (No. II) Act, 1923 (Ben. Act XI of 1923).

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 20.)

Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf.]

(2) Subject to the provisions of any other law on the subject for the time being in force, a company, body corporate, firm, joint family or other association of individuals, as such, shall be qualified as an elector, provided that such company, body corporate, firm, joint family or other association of individuals possess the qualifications prescribed by clauses *(a)*, [1][*(aa)*,] *(b)* or *(c)* of sub-section *(1)*.

[2][*(3)* Chamber members of the Bengal Chamber of Commerce, members of the Calcutta Trades Association, and Commissioners for the Port of Calcutta shall be qualified respectively as electors for the constituency comprising the Chamber or Association or Trust of which they are such members.

Explanation.—*(a)* "Chamber member" includes any person entitled to exercise the rights and privileges of Chamber membership on behalf of any firm, company or other corporate body registered as such member.

(b) "Member" includes—

(i) in the case of a firm, any one partner in the firm or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and

(ii) in the case of a company or other corporate body, any one manager, director, or secretary of the company or corporate body.

[2]*(4)* A person shall be qualified as an elector of a labour constituency specified in Schedule III if he is a member of a trade union registered under the Indian Trade Unions Act, 1926, which has its registered office within the limits of Calcutta and which is recognised in accordance with the provisions of paragraph 18 of Part IV of the Government of India (Provincial Legislative Assemblies) Order, 1936: XVI of 1926.

[1]The brackets and letters "*(aa)*" were inserted by s. 2 *(b)* of the Calcutta Municipal (Second Amendment) Act, 1935 (Ben. Act II of 1936).

[2]Sub-sections *(3)* and *(4)* were added by s. 5 *(b)* of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

Provided that such person—

(*i*) has resided within the limits of Calcutta for a period of at least six months in the aggregate during the year last preceding the year in which the election is held; and

(*ii*) has been actually engaged or employed within the limits of Calcutta in an industry with which the trade union is connected; and

(*iii*) is not in arrear with his subscription to the trade union.]

21. *[Elections in area added to Calcutta before the second general election.]—Rep. by the Bengal Repealing and Amending Act, 1938 (Ben. Act. I of 1939).*

General disqualifications for being a Councillor or Alderman.

22. (*1*) A person shall not be eligible for election or appointment as a Councillor or for election as an Alderman if such person—

(*a*) has been adjudged by a competent court to be of unsound mind; or

(*b*) is under twenty-one years of age; or

(*c*) is an undischarged insolvent; or

(*d*) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(*e*) is a municipal officer or servant, or a plumber or building surveyor licensed under this Act; or

(*f*) is President of the Tribunal of the Board of Trustees for the Improvement of Calcutta, or an assessor to that Tribunal, or a Judge of the Court of Small Causes, or a Municipal Magistrate, or is acting in any of those capacities; or

(*g*) has, directly or indirectly, by himself or by his partner or employer or any employé, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, [1][or

(*h*) has not paid any sum certified by the auditors to be due from him in a certificate which

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[1]The word "or" and clause (*h*) were inserted by s. 2 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

has not been set aside under this Act or, if such certificate has been modified under section 123B, sub-section (*4*), or under section 123C, has not paid the sum shown to be due from him in the modified certificate:]

Provided as follows:—

(*a*) notwithstanding anything contained in clause (*g*), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in—

(*i*) any lease, sale or purchase of land or any agreement for the same; or

(*ii*) any agreement for the loan of money or any security for the payment of money only; or

(*iii*) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(*iv*) any incorporated company which contracts with or is employed by the Corporation;

(*b*) no Councillor or Alderman who has, directly or indirectly, by himself or by his partner or employer or any employé, a share or interest in any matter or thing described in proviso (*a*), or who has acted professionally on behalf of any person having such share or interest, shall vote or take any part in any proceeding relating to that matter or thing.

(*2*) A person against whom a conviction by a criminal court for an offence involving moral turpitude and carrying with it a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election or appointment for five years from the date of the expiration of the sentence.

(*3*) Notwithstanding anything contained in the Indian Election Offences and Inquiries Act, 1920, if any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, in the course of any proceedings under section 46, found by the High Court to have committed a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3, of Part II of Schedule II, such person shall not be eligible for election or appointment for five years from the date of such XXXIX of 1920 Act XLV of 1860.

conviction or of the finding of the High Court, as the case may be; and a person found by the High Court in the course of any such proceedings as aforesaid to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(*4*) If any person has been a candidate or an election agent at an election as a Councillor under this Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by the High Court in the course of any proceedings under section 46 or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-sections (*2*), (*3*) or (*4*) may be removed by an order of the [1][Provincial Government] in that behalf.

Qualification for election as Councillor.

[2]**23.** No person shall be eligible for election as a Councillor to represent, as provided in Schedule III,—

(*a*) a general constituency unless his name is duly registered on the electoral roll of that or any other general constituency and unless in the case of a seat reserved for a member of any of the scheduled castes he himself is a member of any of those castes:

Provided that nothing in this clause shall prevent a member of any of the scheduled castes for which a seat is reserved from being eligible for election to a seat not so reserved,

(*b*) a Muhammadan constituency unless his name is duly registered on the electoral roll of that or any other Muhammadan constituency,

(*c*) an Anglo-Indian constituency unless his name is duly registered on the electoral roll of the constituency,

(*d*) a labour constituency unless his name is registered on the electoral roll of the constituency,

(*e*) a special constituency unless his name is registered on the electoral roll of the constituency.

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[1]*See* footnote 1 on p. 2, *ante*.

[2]This section 23 was substituted for the original section by s. 6 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

(*Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 24.*)

The electoral roll.

24. (*1*) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications specified in section 20 for an elector of that constituency and who is not subject to any of the following disqualifications, namely:— **General conditions of registration and disqualifications.**

(*a*) has been adjudged by a competent court to be of sound mind; or

(*b*) is under twenty-one years of age:

Provided that the manager of a lunatic or the guardian of a minor appointed by the Court as such shall be entitled to have his name registered on the electoral roll as the representative of the lunatic or minor, if, but for the provision of clauses (*a*) or (*b*) of sub-section (*1*) of section 22, as the case may be, such lunatic or minor would have been qualified for election.

(*2*) A company, body corporate, firm, joint family or other association of individuals, as such, shall not be registered in its own name in the electoral roll, but if qualified as an elector, may obtain the registration of the name of one of its members, as its representative on such roll, [1][and notwithstanding anything contained elsewhere in this Act the electoral roll on which such representative shall be entitled to be registered shall be the electoral roll of the Muhammadan, Anglo-Indian or general constituency, as the case may be, for the electoral area in respect of which such company or other association is entitled to be an elector, according as such representative is a Muhammadan, an Anglo-Indian or is a person other than a Muhammadan or Anglo-Indian, as the case may be.]

(*3*) A person shall be entitled to have his name registered only once on the electoral roll of any constituency notwithstanding that he may possess more than one qualification:

Provided that a person who is registered as the representative of any company, body corporate, firm, joint family or other association of individuals under sub-section (*2*) or as the manager of a lunatic or the guardian of a minor shall not therefore be ineligible for registration in his individual capacity on the same electoral roll.

[2]* * * * *

[1]These words were added by s. 7 (*1*) of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

[2]Sub-section (*4*) and the *Explanation* thereto were omitted by s. 7 (*2*), *ibid.*

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 25.)

(*5*) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, in the course of any proceedings under section 46, found by the High Court to have committed a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule II, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is, in the course of such proceedings as aforesaid, found by the High Court to have committed any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period: Act XLV of 1860.

Provided that the [1][Provincial Government] may direct that the name of any person to whom this sub-section applies shall be registered on the electoral roll.

Electoral roll.

25. (*1*) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the revising authority.

(*2*) Subject to the provisions of this Act, the [1][Provincial Government] shall make rules providing for—

(*a*) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;

(*b*) the time at which the roll shall be prepared;

(*c*) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;

(*d*) the mode in which and the time within which claims and objections may be preferred;

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[1]*See* footnote 1 on p. 2, *ante*.

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 26.)

(*e*) the constitution and appointment of revising authorities to dispose of claims and objections;

(*f*) the manner in which notices of claims or objections shall be published;

(*g*) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such rules to provide for other matters incidental or ancillary to the preparation, revision, publication and regular maintenance of the roll as they may consider desirable. Such rules may be made as to rolls generally or any class of rolls or any particular roll.

(*3*) The orders made by the revising authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the [1][Provincial Government] may prescribe.

(*4*) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the [1][Provincial Government] may by rules prescribe, and after the expiration of such period a fresh roll shall be prepared:

[2][Provided that the said period of three years may be extended by the Provincial Government for a period not exceeding one year, by notification in the *Official Gazette*, if in special circumstances (to be specified in the notification) they so think fit.]

(*5*) If a constituency is called upon to elect a Councillor or Councillors after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

26. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a Councillor or Councillors for that constituency. **Right to vote.**

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[1]*See* footnote 1 on p. 2, *ante*.

[2]This proviso was added by s. 2 of the Calcutta Municipal (Amendment and Validation) Act, 1939 (Ben. Act V of 1939).

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 27, 28.)

Elections.

Nomination of candidates.

27. (*1*) Any person may be nominated as a candidate for election as a Councillor for any constituency for which he is eligible for election under this Act.

(*2*) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under section 32 for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(*3*) A candidate who has been duly nominated shall within three days of his nomination deposit with the Executive Officer two hundred and fifty rupees which shall be liable to forfeiture if he withdraws his candidature within seven days of the date fixed for the election or if he fails to secure at the election at least ten *per cent.* of the votes cast. Failure to deposit the said amount shall render the nomination void.

(*4*) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Uncontested elections.

[1]**28.** (*1*) In any general constituency in which one or more seats are reserved for members of the scheduled castes, the following candidates, provided they are duly nominated and have not withdrawn their candidature, shall be declared to be duly elected, that is to say—

(*a*) if the number of candidates who are members of the scheduled castes is not greater than the number of seats reserved for members of those castes—all such candidates;

(*b*) if the number of candidates who are members of the scheduled castes is not less than the number of seats reserved for members of those castes and the total number of candidates does not exceed the number of Councillors to be elected for the constituency—all such candidates:

Provided that if in any case referred to in clause (*a*) the number of candidates other than candidates who are members of the scheduled castes, does not exceed the number of vacant seats not reserved for members of those castes, all such candidates shall be declared to be duly elected.

[1]Section 28 was substituted for the original section by s. 8 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Section 29.)

(2) In any constituency not referred to in sub-section (1), if the number of candidates who are duly nominated and have not withdrawn their candidature, is not more than the number of Councillors to be elected for that constituency, all such candidates shall be declared to be duly elected.

29. (1) In any case not provided for in section 28, a poll shall be taken. **Procedure at election.**

(2) Votes shall be given by ballot and in person. No votes shall be received by proxy.

(3) No votes shall be given either by [1][any Government] or by the Corporation.

(4) In plural-Councillor constituencies every elector shall have as many votes as there are Councillors to be elected, but no elector shall give more than one vote to any one candidate.

(5) Votes shall be counted by or under the supervision of the returning officer, and any candidate, or, in the absence of the candidate, a representative duly authorized by him in writing, shall have a right to be present at the time of counting.

(6) When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

(7) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the returning officer and the candidates and in such manner as he may determine.

(8) The returning officer shall without delay report the result of the election to the Executive Officer, and the name or names of the candidate or candidates elected shall be published in the [2][*Official Gazette*].

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[1]The words "any Government" were substituted for the words "the Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]*See* footnote 2 on p. 2, *ante*.

Provincial Government to make rules regarding the conduct of election.

30. (*1*) Subject to the provisions of this Act the [1][Provincial Government] shall make rules providing—

(*a*) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;

(*b*) for the appointment of a returning officer for each constituency and for his powers and duties;

(*c*) for the appointment of polling stations for each constituency;

(*d*) for the appointment of officers to preside at polling stations, and for the duties of such officers;

(*e*) for the checking of voters by reference to the electoral roll;

(*f*) for the manner in which votes are to be given, and in particular for the case of illiterate voters, or voters under physical or other disability;

(*g*) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;

(*h*) for the scrutiny of votes;

(*i*) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers;

and may make such other rules regarding the conduct of elections as they think fit.

(*2*) In the exercise of the foregoing power rules may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

Multiple elections.

31. (*1*) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Executive Officer, within seven days from the date of the publication of the result of such election in the [2][*Official Gazette*], choose for which of these constituencies he shall serve, and the choice shall be conclusive.

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2, on p. 2, *ante*.

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 32—34.)

(*2*) When any such choice has been made, the Executive Officer shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(*3*) If the candidate does not make the choice referred to in sub-section (*1*), the Executive Officer shall forthwith declare the constituency for which such person shall serve and shall call upon the other constituency or constituencies concerned to elect another person or persons.

Disqualification for being election agent.

32. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in section 22.

Revocation of appointment of election agent.

33. (*1*) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing signed by the candidate and lodged with the officer receiving nominations and shall operate from the date on which it is so lodged.

(*2*) In the event of such a revocation or of the death of any election agent, whether such event occurs before, during or within one month, or such longer period as the [1][Provincial Government] may allow, after the election then the candidate shall appoint forthwith another election agent and declare his name in writing to the said officer.

Return of election expenses.

34. (*1*) Within one month or such longer period as the [1][Provincial Government] may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Executive Officer a return of his election expenses containing the particulars specified in Schedule V.

(*2*) Every such return shall contain a statement of all payment made by the candidate or by his election agent or by any persons authorized by the candidate to act on his behalf for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(*3*) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule V and shall be made on oath or affirmation before a Magistrate.

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[1]*See* footnote 1 on p. 2, *ante*.

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 35—38.)

(*4*) The Executive Officer shall cause to be prepared and maintained a record showing the names of all candidates at every election of a Councillor under this Act and the date on which the return of election expenses of each candidate has been lodged with him.

Accounts of agents.

35. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in section 34 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Appointment by Provincial Government to make up the prescribed number.

36. If there is not a sufficient number of valid nominations for an election in any constituency or if the electors of any constituency do not elect the prescribed number of Councillors, the [1][Provincial Government] shall appoint as many Councillors as may be necessary to make up the prescribed number.

Appointment of Councillors when to be made.

37. Before the date fixed for the first meeting of the Corporation after a general election, the [1][Provincial Government] shall, by notification in the [2][*Official Gazette*], make such appointments of Councillors as may be necessary under clause (*b*) of section 5 or under section 36.

Oath of allegiance to be taken by Councillors and Aldermen.

38. (*1*) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected X of 1873. or appointed to be a Councillor or elected an Alderman shall before taking his seat make, at a meeting of the Corporation, an oath or affirmation of his allegiance to the Crown in the following form, namely:—

"I, A. B., having been $\frac{\text{elected a Councillor}}{\text{appointed an Alderman}}$ of the Corporation do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, His heirs and successors, and that I will faithfully discharge the duties upon which I am about to enter."

(*2*) Any person who having been elected or appointed to be a Councillor or elected an Alderman fails to make within three months of the date on which his term of office commences, the oath or affirmation laid down in sub-section (*1*) shall cease to hold office and his seat shall be deemed to have become vacant.

Explanation.—A person who by constitutional means endeavours to make changes in the constitution shall not be deemed to have thereby violated this oath of allegiance.

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 39—41.)

39. Subject to the provisions of section 43, an elected Councillor or Alderman shall hold office for a term of three years; and an appointed Councillor shall hold office for a term of three years or for such shorter period as the [1][Provincial Government] may, at the time of appointment, determine. The said term of three years shall commence from the date of the first meeting of the Corporation fixed under section 59 at which a quorum is present and shall be held to include any period which may elapse between the expiry of the said term of three years and the date of the first meeting of the Corporation fixed under section 59 after a general election at which meeting a quorum is present: **Terms of office of Councillors and Aldermen.**

Provided that [2][the said term of three years] may be extended by the [1][Provincial Government], [3][for a term or terms not exceeding one year in the aggregate], by notification in the [4][*Official Gazette*], if in special circumstances (to be specified in the notification) they so think fit.

40. A Councillor or an Alderman may resign his office by notifying in writing his intention to do so, to the Mayor and on the acceptance of the resignation by the Corporation his seat shall become vacant. **Resignation of Councillors or Aldermen.**

41. If any person having been elected or appointed a Councillor, or elected an Alderman— **Effect of subsequent disabilities.**

(*a*) subsequently becomes subject to any of the disabilities stated in clauses (*a*), (*c*), (*d*), (*e*), (*f*) or (*g*) of sub-section (*1*) or in sub-sections (*2*), (*3*) or (*4*) of section 22, or

(*b*) is declared by the [1][Provincial Government], by notification in the [4][*Official Gazette*] (issued after due inquiry in which the Councillor or Alderman concerned shall have a right to be heard) to have violated his oath of allegiance, or

(*c*) absents himself during six consecutive months from the meetings of the Corporation, except from temporary illness or other cause which the Corporation may consider sufficient to justify such absence, or

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[1]*See* footnote 1 on p. 2, *ante*.

[2]These words were substituted for the words "the said period" by s. 3 (*a*) of the Calcutta Municipal (Amendment and Validation) Act, 1939 (Ben. Act V of 1939).

[3]These words were substituted for the words "for a period not exceeding one year" by s. 3 (*b*), *ibid*.

[4]*See* footnote 2 on p. 2, *ante*.

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 42—44.)

(*d*) is retained or employed in any professional capacity in connection with any case or matter to which the Corporation is a party,

such person shall cease to be a Councillor or an Alderman, and the [1][Provincial Government] shall, by notification in the [2][*Official Gazette*], declare his seat to be vacant.

Explanation.—The expression "retained or employed in a professional capacity" shall be deemed to include appearance in any professional capacity before the Corporation or any of its Committee or before any officer of the Corporation in any matter to which the Corporation is a party.

Removal of Councillor or Alderman.

42. The [1][Provincial Government] may, if they think fit, on the recommendation of the Corporation, made after due inquiry in which the Councillor or Alderman concerned shall have the right to be heard, remove any Councillor or Alderman elected or appointed under this Act, if such Councillor or Alderman has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct.

Casual vacancies.

43. (*1*) When a vacancy occurs in the case of an elected Councillor or of an Alderman by reason of his seat becoming vacant under the provisions of section 38, [3][or section 123F], or by reason of a declaration made under section 41, or of his election being declared void, or by his death, resignation duly accepted, or removal, the Executive Officer shall call upon the constituency concerned or the Councillors, as the case may be, to elect a person for the purpose of filling the vacancy within such time as may be prescribed.

(*2*) If a vacancy occurs in the case of an appointed Councillor, the [1][Provincial Government] shall appoint to the vacancy a person having the necessary qualifications.

(*3*) Every such person shall remain a Councillor or Alderman for the residue of the term of office of the Councillor or Alderman in whose stead he was elected or appointed.

Power of Provincial Government in respect of first election.

[4]**44.** If any difficulty arises as to the preparation or publication of the first electoral rolls or the holding of the first elections after the commencement of the Calcutta Municipal (Amendment) Act, 1939, the Ben. Act XI of 1939.

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[1]*See* footnote 1 on p. 2, *ante*.

[2]*See* footnote 2 on p. 2, *ante*.

[3]The words, figures and letter "or section 123F" were inserted by s. 3 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[4]Section 44 was substituted for the original section by s.9. of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

(Part II.—Chapter III.—Election and Appointment of Councillors and Aldermen.—Sections 45, 46.)

Provincial Government may by order authorize any matter or thing to be done which appears to them necessary for the proper preparation or publication of the rolls, or for the proper holding of the elections.

45. (*1*) Before the expiration of the term of office of the Councillors and Alderman under section 39, a general election of Councillors shall be held. General election.

(*2*) Such general elections shall take place [1]* * * on a date to be fixed by the [2][Provincial Government] ordinarily in the month of March, or on a date in such other month as the [2][Provincial Government] may fix.

[3](*3*) The [2][Provincial Government] shall fix such date by a notification in the [4][*Official Gazette*] published not less than three months before such date.

[5](*4*) Such elections shall be so fixed as to take place simultaneously in all the constituencies.

[6]* * * * * *

Disputes as to the validity of an election.

46. (*1*) If there is any dispute as to whether any person whose name is published under sub-section (*8*) of section 29 is qualified to be elected a Councillor, or if the validity of any election is questioned, whether by reason of the commission of any corrupt practice by a candidate or his agent or by any other person or by reason of the improper rejection of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the electoral roll may, at any time within eight days after the said publication, apply to the High Court: Hearing of election petitions by High Court.

Provided that no election shall be called in question on the ground that—

(*a*) the name of any person qualified to vote has been omitted from the electoral roll, or

(*b*) the name of any person not qualified to vote has been inserted in that roll, or

[1]The word "triennially" was omitted by s. 4 of the Calcutta Municipal (Amendment and Validation) Act, 1939 (Ben. Act V of 1939).

[2]*See* footnote 1 on p. 2, *ante*.

[3]This sub-section was inserted by s. 3(*ii*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[4]*See* footnote 2 on p. 2, *ante*.

[5]Original sub-section (*3*) was renumbered as sub-section (*4*) by s. 3(*i*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[6]Original sub-section (*4*) including the proviso was omitted by s. 3(*i*) of the same Act.

(c) any direction given by any rule made under section 25, sub-section (2), or section 30 has not been obeyed.

(2) If the Court sets aside an election or declares an election to be null and void, a fresh election shall be held.

(3) Every election not called in question in accordance with the provisions of this section shall be deemed to have been to all intents a good and valid election.

Grounds for declaring election void.

47. (1) Save as hereinafter provided in this section, if, in any proceeding duly instituted under section 46, the High Court is of opinion that—

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule II has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or, save as is provided in section 46, by any non-compliance with the provisions of this Act or the rules made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If in such proceeding the Court is of opinion that a returned candidate has been guilty by an agent (other than his election agent) or any other person of any corrupt practice specified in Part I of Schedule II which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Court is also of opinion that the candidate has satisfied it that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(Part II.—Chapter III—Election and Appointment of Councillors and Aldermen—Chapter IV—Municipal Officers and Servants.—Sections 48—51.)

(*c*) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents.

then the Court may find that the election of such candidate is not void.

Explanation.—For the purposes of this sub-section "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

48. [*Operation of transitory provisions.*]—*Rep. by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).*

49. [*Transitory provisions to have effect at elections prior to the fourth general election.*]—*Rep. by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).*

50. [*Temporary substitution of Schedule IV for Schedule III.*]—*Rep. by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).*

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Appointment and salary of principal officers.

51. (*1*) The Corporation shall appoint proper persons, for such periods respectively as they think fit, to be Chief Executive Officer, Chief Engineer, Chief Accountant, Health Officer and Secretary, and shall fix the monthly salary and allowances to be paid to the persons so appointed.

The Corporation may also appoint, for such periods as they think fit, not more than two Deputy Executive Officers, and may fix their monthly salaries and allowances:

Provided that the appointment, salary, allowances and conditions of service of the Chief Executive Officer, Chief Engineer, Health Officer and Deputy Executive Officer or Officers and any action taken by the Corporation with a view to the termination of their appointment shall be subject to the approval of the [1][Provincial Government].

[1]*See* footnote 1 on p. 2, *ante.*

(*2*) The Corporation may appoint such other officers and servants for such periods, respectively, as they think fit, and may fix their salaries and allowances.

Power of the Executive Officer.

52. The Executive Officer shall be the principal executive officer of the Corporation, and all other officers and servants of the Corporation shall be subordinate to him. He shall have the same right of being present at any meeting of the Corporation, or of any Standing or Special Committee, and of taking part in the discussions thereat as if he were a member of the Corporation or of such Committee, and with the consent of the Mayor or the President of the meeting, as the case may be, he may at any time make a statement or explanation of facts, but he shall not vote upon, or make, any proposition at such meeting.

Prohibition of having share or interest in contract or employment with Corporation.

53. (*1*) No person shall be eligible for employment as a municipal officer or servant if he has, directly or indirectly, by himself or his partner or employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Corporation.

(*2*) Every person applying for employment as a municipal officer or servant shall, if he is related by a blood relationship to, or is closely connected by marriage with, the Mayor or any Alderman or Councillor or any statutory officer of the Corporation, notify in writing such relationship or connection to the Corporation or municipal officer making such appointment, and if he fails to do so before he is appointed, his appointment to such post may at any time be terminated.

(*3*) If any municipal officer or servant acquires, directly or indirectly as aforesaid, any share or interest as aforesaid, otherwise than as such officer or servant he shall cease to be a municipal officer or servant and his office shall become vacant.

(*4*) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under clause (*ii*) or clause (*iv*) of proviso (*a*) to section 22, it is permissible for a Councillor or an Alderman to have without being thereby disqualified for being a Councillor or an Alderman.

Indebtedness to disqualify for office under section 51.

54. (*1*) No person shall be eligible for any office mentioned or referred to in section 51 if he is seriously indebted to any person.

(Part II.—Chapter IV—Municipal Officers and Servants.—Section 54A.)

(*2*) If any person holding any of the said offices becomes so indebted, the Corporation may, subject to the proviso to sub-section (*1*) of section 51, declare his office to be vacant.

Disqualification for appointment as a municipal officer or servant.

[1]**54A.** (*1*) Without the previous sanction of the [2][Provincial Government] in each case, no person shall be appointed as a municipal officer or servant if he has been convicted of an offence against the State or has been sentenced to imprisonment for a term of three months or more:

Provided that this sub-section shall not apply to any person in respect of a sentence for an offence other than an offence against the State after the expiry of five years from the date of his release from the imprisonment imposed by the said sentence.

(*2*) Every candidate for appointment as a municipal officer or servant shall—

(*a*) declare in writing that he has not been convicted of an offence against the State or sentenced to imprisonment for a term of three months or more, or

(*b*) state in writing the particulars of any such conviction or sentence,

and no person shall be appointed who has not made such declaration or statement.

(*3*) The declaration or statement referred to in sub-section (*2*) shall be submitted by the candidate to the authority making the appointment and shall be scrutinised by such authority before the appointment is made.

(*4*) Any authority who knowingly appoints a person in contravention of sub-section (*1*) shall, if any payment is made in consequence of such appoinment, be deemed, for the purposes of this Act, to have authorised the making of an illegal payment.

(*5*) Any person who makes a declaration or statement under sub-section (*2*) which is false shall be punished with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to one year or with both. The [2][Provincial Government] may prescribe the agency by which and the manner in which prosecutions shall be instituted under this sub-section.

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[1]Sections 54A, 54B, 54C and 54D were inserted by s. 4 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[2]*See* footnote 1 on p. 2, *ante*.

(*Part II.—Chapter IV—Municipal Officers and Servants.—Sections 54B, 54C.*)

Dismissal of municipal officers and servants convicted of certain offences.

[1]**54B.** (*1*) Any municipal officer or servant who, after the commencement of the Calcutta Municipal (Amendment) Act, 1933, is convicted of an offence against the State or sentenced either to rigorous imprisonment for any term or to simple imprisonment for a term of six months or more shall be deemed to be dismissed from service with effect from the date of his conviction and his office shall become vacant from such date.

Ben. Act XI of 1933.

(*2*) If the conviction or sentence in respect of which any person is deemed to be dismissed under sub-section (*1*) is set aside by a competent court such person shall be deemed to have been suspended, and not dismissed, from service from the date of his conviction until the date on which the conviction or sentence is set aside.

(*3*) The [2][Provincial Government] may of their own motion or on receipt of an application from the person concerned by an order in writing exempt any person from the operation of sub-section (*1*) in respect of a conviction specified in such order and thereupon such person shall be deemed to have been suspended and not dismissed from service, from the date of his conviction until the date of such order.

(*4*) An application for exemption from the operation of sub-section (*1*) may be made to the [2][Provincial Government] by the convicted person within two months after the date of his conviction. If the [2][Provincial Government] fail to pass final orders thereon within three months after receipt of the application such person shall be exempted from the operation of sub-section (*1*) and shall be deemed to have been suspended, and not dismissed, from service from the date of his conviction.

Power to exclude certain municipal appointments, and municipal officers or servants from the operation of sections 54A and 54B.

[1]**54C.** The [2][Provincial Government] may, by notification in the [3][*Official Gazette*], exclude any class of municipal appointments, or any class of municipal officers or servants, specified in the notification, from the operation of all or any of the provisions of section 54A or of section 54B, respectively, either wholly or in respect of any class of convictions or sentences so specified.

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[1]Sections 54A, 54B, 54C and 54D were inserted by s. 4 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[2]*See* footnote 1 on p. 2, *ante*.

[3]*See* footnote 2 on p. 2, *ante*.

(Part II.—Chapter IV—Municipal Officers and Servants.—Sections 54D-56.)

[1]**54D.** In sections 54A and 54B the expression "offence against the State" means an offence included in Chapter VI or Chapter VII of the Indian Penal Code and any attempt or conspiracy to commit, or any abetment of, any offence included in the said Chapters. Meaning of offence against the State.

Act XLV of 1860.

55. When a [2][servant of the Crown] is appointed to be a municipal officer or servant, the Corporation shall pay, out of his salary, any contribution which may [3][be required, under the conditions of his service under the Crown, to be paid by him or on his behalf] in respect of his pension or leave-allowances. Contribution in respect of pension or leave allowances of servants of the Crown appointed to be municipal officers or servants.

56. The Corporation, by a resolution in favour of which not less than two-thirds of the Councillors and Aldermen voting have voted, may make rules— Power to Corporation to make rules as to furnishing security and grant of leave of absence and allowances.

(*a*) fixing the amount and nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave of absence; allowances, pensions, bonuses and gratuities to municipal officers and servants;

(*c*) regulating the grant of compassionate allowances and gratuities to members of the families of deceased municipal officers and servants;

(*d*) for establishing and maintaining a provident or annuity fund, and for compelling all or any of the municipal officers or servants to contribute to such fund, and for making supplementary contributions out of the municipal fund; and

(*e*) for establishing and aiding in the establishment and maintenance of co-operative societies for the menials of the Corporation:

Provided that no pension, gratuity or compassionate allowance referred to in clauses (*b*) and (*c*) shall, save

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[1]Sections 54A, 54B, 54C and 54D were inserted by s. 4 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[2]These words were substituted for the words "servant of the Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]These words were substituted for the words "for the time being be levied by the Government", *ibid.*

(Part II.—Chapter IV—Municipal Officers and Servants.—Chapter V.—Conduct of business.—Sections 57, 58.)

with the special sanction of the [1][Provincial Government], exceed the sum to which [2]**such officer or servant or his family would be entitled if the service had been service [3][under the Crown in the province]:

Provided also that the municipal officers and servants who were formerly in the Plague Department of the [1][Provincial Government] shall be entitled to the benefits of the aforesaid provident or annuity fund and gratuities in respect of the period of their services in that department on their paying within six months from the commencement of this Act their share of contribution to the said fund for the said period in accordance with the rules hitherto in force.

Grant of pensions, gratuities, and compassionate allowances.

57. (*1*) The Corporation may, in accordance with the rules made under section 56, grant—

(*a*) pensions, allowances, bonuses and gratuities to municipal officers and servants, and

(*b*) compassionate allowances and gratuities to members of the families of deceased municipal officers and servants,

and may also supplement contributions to a Provident Fund in accordance with the said rules.

(*2*) For the purposes of this chapter the family of a municipal officer or servant shall be deemed to include his wife, his children, and his father, mother, brother or sister, dependent upon him for support.

CHAPTER V.

CONDUCT OF BUSINESS.

Transaction of business by the Corporation.

Meetings.

58. (*1*) The Corporation shall meet not less than once a month for the transaction of business.

(*2*) The Mayor or, in his absence, the Deputy Mayor may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Councillors or Aldermen, call a meeting of the Corporation.

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[1]*See* footnote 1 on p. 2, *ante*.

[2]The words "under any general or special orders of the Government of India for the time being in force" were omitted by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]These words were substituted for the words "under Government", *ibid.*

(Part II.—Chapter V.—Conduct of business.—Sections 59-63.)

59. The first meeting of the Corporation after a general election of Councillors shall be held as early as conveniently may be in the month of April next following such election and shall be convened by the Executive Officer. **First meeting after general election.**

60. A list of the business to be transacted at every meeting shall be sent to the address of each Councillor and Alderman resident in Calcutta, so that it may be in his hands not less than forty-eight hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given: **Notice of meetings and business.**

Provided that any Councillor or Alderman may submit to a meeting any resolution going beyond the matters mentioned in the notice given of such meeting, if he has given not less than forty-eight hours' previous notice of his intention so to do, by leaving a copy of such resolution at the Municipal Office.

61. All acts authorised or required to be done by the Corporation, and all questions which may come before the Corporation for decision, shall, save as is in this Act otherwise provided, be respectively done and decided by a majority of the Councillors and Aldermen voting at the meeting before which the matter is brought. **Vote of majority decisive.**

62. (*1*) The Mayor, or, in his absence, the Deputy Mayor, shall preside at every meeting of the Corporation, and shall have a second or casting vote in all cases of equality of votes. **President at meeting.**

(*2*) In the absence of the Mayor and Deputy Mayor, the Councillors and Aldermen present at any meeting shall choose one of their number to preside, who shall in case of equality of votes have a second or casting vote.

(*3*) The President of any meeting at which a quorum of the Councillors and Aldermen is present may, with the consent of a majority of the members present, adjourn the meeting from time to time and from place to place.

63. No business shall be transacted at any meeting unless a quorum of twenty members be present throughout the meeting: **Quorum.**

Provided that, if at any meeting there is not a sufficient number of members present to form a quorum, the President of such meeting shall adjourn the meeting to such convenient time and place as he thinks fit;

and the business which should have been brought before the original meeting, if there had been a quorum present, shall be brought forward and disposed of in the usual manner at the adjourned meeting, at which a quorum of fifteen members shall suffice.

Declaration by President that a resolution has been carried or lost.

64. At any meeting, unless a poll be demanded by at least five members, a declaration by the President of such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of proceedings shall, for the purposes of this Act, be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

Poll and ballot.

65. If a poll be demanded under section 64, the votes of all the members present who desire to vote shall be taken under the direction of the President of the meeting, and the result of such poll shall be deemed to be the resolution of the Corporation at such meeting:

Provided that the Corporation may, subject to such rules as may be made by them under section 66, resolve that any question or class of questions shall be decided by ballot.

Power to Corporation to make rules.

66. The Corporation may make rules for the conduct of the business at their meetings.

Contracts and Seal of Corporation.

Execution of contracts by the Mayor or Deputy Mayor on behalf of the Corporation.

67. (*1*) The Corporation may enter into and perform all such contracts as they may consider necessary or expedient for carrying into effect the provisions of this Act.

(*2*) With respect to the making of such contracts the following provisions shall have effect, namely:—

(*a*) every such contract shall be made on behalf of the Corporation by the Mayor or Deputy Mayor;

(*b*) no contract shall be made by the Mayor or Deputy Mayor unless the same is previously sanctioned by the Corporation;

(*c*) no contract involving an expenditure exceeding two and a half lakhs of rupees shall be made by the Mayor or Deputy Mayor unless the same is previously sanctioned by the Corporation and the [1][Provincial Government].

[1]*See* footnote 1 on p. 2, *ante*.

(3) The foregoing provisions of this section shall apply to every variation or discharge of a contract as well as to an original contract.

68. (1) Every contract made by the Mayor or Deputy Mayor on behalf of the Corporation shall be entered into in such manner and form as would bind the Mayor or Deputy Mayor if such contract were made on his own behalf, except that the common seal of the Corporation shall be used (where necessary); and every such contract may in the like manner and form be varied or discharged. **Further provisions as to execution of contracts, and provisions as to seal of Corporation.**

(2) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing, shall be sealed, and shall specify—

(a) the work to be done or the materials or goods to be supplied, as the case may be,

(b) the price to be paid for such work, materials or goods, and

(c) the time or times within which the contract or specified portion thereof shall be carried out.

(3) The common seal of the Corporation shall remain in the custody of the Secretary to the Corporation, and shall not be affixed to any contract or other instrument except in the presence of a Councillor or an Alderman, who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Councillor or Alderman shall be distinct from the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Corporation.

69. (1) Not less than seven days before the Corporation enter into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, they shall give notice by advertisement in local newspapers inviting tenders for such contract. **Tenders.**

(2) In every case in which the acceptance of a tender would involve an expenditure exceeding one thousand rupees, the specifications, conditions and estimates, and all the tenders received shall be placed before the Corporation.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding two and a half lakhs of rupees, the Corporation shall submit to the [1][Provincial Government] the specifications, conditions and estimates, and all the tenders received, specifying the particular tender (if any) which they recommend for acceptance.

(4) The Corporation, or the [1][Provincial Government], as the case may be, may reject all or any of the tenders made under the provisions of this section.

(5) Notwithstanding anything contained in this section, the Corporation, by a resolution in favour of which not less than two-thirds of the Councillors and Aldermen voting have voted, may, for reasons which shall be recorded in their proceedings, enter into a contract involving an expenditure not exceeding five thousand rupees without inviting tenders or without the acceptance of any tender which may have been received.

Security for performance of contract.

70. The Corporation shall take sufficient security for the due performance of every contract into which they enter under this Act.

Standing Committees.

Standing Committees.

71. (1) The Corporation may each year appoint Standing Committees and, by specific resolutions, delegate any of their functions, powers or duties to such Committees, and may also from time to time, by a like resolution, refer to them for inquiry and report, or for opinion, such subjects relating to the functions, powers or duties of the Corporation as the Corporation may think fit.

(2) A Standing Committee shall not consist of more than twelve members, and no Councillor or Alderman shall, at the same time, be a member of more than two Standing Committees and the District Committee.

(3) Every Standing Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(4) The Corporation may at any time dissolve, or subject to the provisions of sub-section (2), alter the constitution of any Standing Committee, and may also at any time withdraw from any Standing Committee any of the functions, powers or duties delegated to them under sub-section (1).

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[1]*See* footnote 1 on p. 2, *ante*.

(*5*) Every Standing Committee shall appoint two of their number to be their Chairman and Deputy Chairman:

Provided that no Councillor or Alderman shall, at the same time, be the Chairman or Deputy Chairman of more than one Standing Committee.

(*6*) In the absence of the Chairman or Deputy Chairman, the members of the Standing Committee present shall choose one of their number to preside over their meeting.

(*7*) When any matter is referred to a Standing Committee, the Corporation may fix a time within which the report of the Standing Committee thereon is to be submitted to the Corporation.

(*8*) All the proceedings of every Standing Committee shall be subject to confirmation or revision by the Corporation:

Provided that, if, in delegating any of their functions, powers or duties to a Standing Committee under sub-section (*1*), the Corporation direct that the decision of the Standing Committee shall be final, then so much of the proceedings of the Standing Committee as relate to such functions, powers or duties shall not be subject to confirmation by the Corporation.

(*9*) The Corporation may make rules for regulating the conduct of business at meetings of Standing Committees and of Sub-committees appointed by them.

District Standing Committees.

72. (*1*) The Corporation may from time to time divide Calcutta into such districts consisting of different wards as they may think fit and appoint a Standing Committee, to be called the District Committee, for each such district and delegate to such Committees such functions, powers or duties of the Corporation as the Corporation may think fit relating to matters affecting their respective districts, and may also from time to time, by specific resolution, refer to them for inquiry and report or for opinion such matters relating to such districts as the Corporation may think fit.

(*2*) Each such District Committee shall consist of all the Councillors for the several constituencies comprised in each district and any Alderman or other Councillor living within the district and expressing his willingness to serve on such Committee.

(*3*) The District Committee shall associate with themselves not more than three persons, residing

within such district. Such persons shall be elected by the Committee every year in such manner as may be prescribed by rules made by the Corporation in this behalf. Such associated members shall hold office for one year and shall be entitled to vote.

Primary Education Standing Committee.

73. (*1*) The Corporation shall appoint a Standing Committee, to be called the Primary Education Standing Committee to advise them in regard to all matters relating to primary education in Calcutta.

(*2*) Such Committee shall consist of not more than six Councillors or Aldermen and of such other persons (not exceeding three in number), as the Corporation may from time to time and for such period as they think fit, by a specific resolution, associate with the Committee.

(*3*) Persons so associated with the Committee shall have a right to vote at meetings of the Committee, and shall be deemed to be members thereof for all purposes during the said period.

Sub-committees of Standing Committees.

74. (*1*) Any Standing Committee of the Corporation may appoint one or more Sub-committees for any purpose referred to them which, in their opinion, can be more usefully carried out by a Sub-committee.

(*2*) A Sub-committee may be appointed for such time and subject to such limitations and conditions as to report and otherwise as the Standing Committee appointing the Sub-committee may from time to time think fit.

(*3*) No Sub-committee shall continue to exist after the Standing Committee appointing it has ceased to exist.

(*4*) All proceedings of any Sub-committee shall be subject to confirmation by the Standing Committee appointing it.

(*5*) It shall not be necessary for any of the members of a Sub-committee to be a member of the Standing Committee appointing such Sub-committee.

Special Committees.

Special Committees.

75. (*1*) The Corporation may from time to time, by specific resolution, appoint a Special Committee to inquire into and report upon any matter (to be specified in such resolution) which may arise in connection with any of the functions, powers or duties of the Corporation and which is not at the time under consideration by a Standing Committee constituted under section 71.

(Part II.—Chapter V.—Conduct of business.—Sections 76-78.)

(*2*) The Corporation may also from time to time, by specific resolution, associate with any such Special Committee, for such period as they think fit, any persons, who are not Councillors or Aldermen, but whose assistance or advice is required for the purposes for which the Special Committee is appointed and such persons shall have a right to vote at meetings of the Special Committee, and shall be deemed to be members thereof for all purposes during the said period.

(*3*) The provisions of sub-sections (*3*), (*4*), (*5*) (excluding the proviso), (*6*), (*7*) and (*8*) (excluding the proviso) of section 71 shall, with all necessary modifications, be deemed to apply to every Special Committee appointed under this section and such Committee shall confine their inquiry to the matter specified in the resolution referred to in sub-section (*1*).

(*4*) The Corporation may make rules for regulating the conduct of business at meetings of Special Committees.

Minutes and reports of proceedings.

Keeping of minutes and proceedings.

76. Minutes, in which shall be recorded the names of the members present at, and the proceedings of, each meeting of the Corporation, and of every Standing or Special Committee, respectively, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be laid before the next ensuing meeting of the Corporation or of such Committee, as the case may be, and signed at such meeting by the Mayor or President thereof.

Inspection minutes and reports of proceedings.

77. The minutes referred to in section 76 and the full reports (if any) of the proceedings of meetings of the Corporation, shall, at all reasonable times, be kept open at the municipal office for the inspection of any Councillor or Alderman without charge, and of any other person on payment of a fee of eight annas.

Forwarding of minutes and reports of proceedings to Provincial Government.

78. The Executive Officer shall forward to the [1][Provincial Government] a copy of the minutes of the proceedings of each meeting of the Corporation, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in section 76;

and, if the [1][Provincial Government] so direct in any case, shall also forward a copy of all papers which

[1]*See* footnote 1 on page 2, *ante*.

were laid before the Corporation or the Standing or Special Committee, as the case may be, for consideration at such meeting;

and shall also forward to the [1][Provincial Government], as soon as may be after such date, a full report of the proceedings of meetings of the Corporation, if any such report be prepared.

Supplemental provisions.

Validation of acts and proceedings.

79. (*1*) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(*a*) the existence of any vacancy in, or any defect in the constitution of the Corporation, or any Standing or Special Committee,

(*b*) any Councillor or Alderman having voted or taken part in any proceedings in contravention of proviso (*b*) to section 22, or

(*c*) any defect or irregularity not affecting the merits of the case.

(*2*) Every meeting of the Corporation, or of any Standing or Special Committee, the minutes of the proceedings of which have been duly signed as prescribed in section 76, shall be deemed to have been duly convened and to be free from all defects and irregularity.

PART III.

Finance.

CHAPTER VI.

THE MUNICIPAL FUND.

Municipal Fund to be sole and to be held in trust.

80. There shall be one Municipal Fund, and it shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions therein contained.

Credit of moneys to Municipal Fund.

81. (*1*) All moneys realized or realizable under this Act [2][other than fines levied by Magistrates] shall be credited to the Municipal Fund.

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[1]*See* footnote 1 on page 2, *ante*.

[2]These words were inserted by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

(Part III.—Chapter VI.—The Municipal Fund.—Sections 82, 83.)

(*2*) The balances standing at the credit of the several municipal funds of the Corporation at the commencement of this Act, and all interest and profits arising from any investment and from any transaction in connection with any of the said municipal funds shall be transferred to the said Municipal Fund.

82. All moneys payable to the credit of the Municipal Fund shall be forthwith paid into the Imperial Bank of India to the credit of an account which shall be styled "the account of the Municipal Fund of the City of Calcutta": **Receipt of moneys and deposit in Bank.**

Provided that, with the sanction of the [1][Provincial Government], any moneys accruing from any of the several funds of the Corporation, which, at the commencement of this Act, are held in deposit by any bank or banks in Calcutta other than the Imperial Bank of India may be left in such deposit by the Corporation for such period as they think fit.

83. (*1*) Subject to the provisions of sections 18, 118 and 119, no payment shall be made by the Imperial Bank of India out of the Municipal Fund except upon a cheque signed— **Drafts on the Municipal Fund.**

(*a*) by any two of the following persons, namely:—

(*i*) the Executive Officer,

(*ii*) the Deputy Executive Officer,

(*iii*) the Secretary,

(*iv*) the Chief Accountant, or,

(*b*) in the event of the illness or absence from Calcutta of any three of the persons mentioned in clause (*a*), by the remaining one of such persons and any other persons appointed in that behalf by the Executive Officer, or

(*c*) in the event of the illness or absence from Calcutta of all the persons mentioned in clause (*a*), by any two other persons appointed in that behalf by the Executive Officer and approved by the Corporation.

(*2*) Except in the case of salaries up to three hundred rupees, which may be paid in cash, payment of any sum due by the Corporation exceeding one

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[1]*See* footnote 1 on p. 2, *ante*.

hundred rupees in amount shall be made by means of a cheque signed as provided in sub-section (*1*), and not in any other way.

(*3*) Payment of any sum due by the Corporation not exceeding one hundred rupees in amount may be made in cash, cheques signed as prescribed in sub-section (*1*) being drawn from time to time to cover such payments.

Application of Municipal Fund.

84. (*1*) The moneys from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the purposes of this Act, or of which the payment is duly directed or sanctioned by or under any of the provisions of this Act.

(*2*) Such moneys shall likewise be applied in payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

Payments not to be made out of Municipal Fund unless coverd by a budget-grant and balance is available.

85. No payment of any sum out of the Municipal Fund shall be made unless the expenditure of the same is covered by a current budget-grant and a sufficient balance of such budget-grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 95 or section 96:

Provided that this section shall not apply to payments made in the following classes of cases, namely:—

(*a*) refunds of taxes and other moneys which are authorized by this Act;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake;

(*c*) sums payable in any of the following circumstances—

(*i*) under section 18, under the orders of the [1][Provincial Government]; or

(*ii*) under section 84, sub-section (*2*) [2][or section 123E]; or

(*iii*) under the direction of any officer appointed under section 118 or section 119; or

(*iv*) under the decree or order of a civil or criminal court passed against the Corporation;

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[1]*See* footnote 1 on p. 2, *ante*.

[2]The words, figures and letter "or section 123E" were inserted by s. 5 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

(*Part III.—Chapter VI.—The Municipal Fund.— Sections 86-88.*)

(*v*) under a compromise of any suit or other legal proceeding or claim effected under section 537;

(*d*) temporary payments under section 88 for works urgently required for the public service;

(*e*) sums which are by or under section 252, sub-section (*2*), section 301, sub-section (*2*), section 304, sub-section (*1*), section 342, sub-section (*2*), section 389, sub-section (*4*), section 440, sub-section (*2*), section 442, sub-section (*4*), section 508, sub-section (*3*), section 520, clause (*c*) of sub-section (*2*) of section 535, or rule 2, sub-rule (*6*), of Schedule XVI, required or allowed to be paid by way of compensation;

(*f*) sums payable as compensation under any rule or by-law made under this Act; and

(*g*) expenses incurred by the Corporation in the exercise of the powers conferred by section 447.

Duty of person signing cheque.

86. Before any person authorized under section 83 signs a cheque, he shall satisfy himself that the sum for which such cheque is drawn is either—

(*a*) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget-grant, or

(*b*) required for any payment referred to or specified in the proviso to section 85.

Procedure when money not covered by a budget-grant is expended under clauses (*c*), (*e*) (*f*) or (*g*) of section 85.

87. Whenever any sum is expended under clauses (*c*), (*e*), (*f*) or (*g*) of the proviso to section 85, the Corporation shall take such action under section 95 as may in the circumstances appear possible and expedient for covering the amount of the additional expenditure; and all sums expended under clause (*g*) of the said proviso shall be forthwith reported to the Corporation.

Temporary payments from the Municipal Fund for works urgently required for the public service.

88. (*1*) On the written requisition of a Secretary to the [1][Provincial Government], the Corporation may at any time undertake the execution of any work certified by such Secretary to be urgently required for the public service, and for this purpose may temporarily make payments from the Municipal Fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration.

[1]*See* footnote 1 on p. 2, *ante*.

(*2*) The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the [1][Provincial Government] and credited to the Municipal Fund.

Grant in aid in certain cases.

[2]**88A.** Subject to the provisions of section 91A and notwithstanding anything contained elsewhere in this Act no grant shall knowingly be made by the Corporation, without the previous sanction of the [1][Provincial Government], for any purpose other than the purpose mentioned in that section to any institution which has after the commencement of the Calcutta Municipal (Amendment) Act, 1933, taken into employment any person, or to any person, who has been convicted of an offence against the State or sentenced to imprisonment for a term of three months or more. Ben Act XI of 1933.

Explanation 1.—In this section the expression "offence against the State" has the meaning assigned to it in section 54D.

Explanation 2.—If any fact is communicated to the Chief Executive Officer, the Corporation shall, for the purposes of this section, be deemed to have knowledge of that fact.

Compensation to the Tollygunge and South Suburban Municipalities.

89. (*1*) The Corporation shall pay from the Municipal Fund to the Commissioners of the Tollygunge Municipality two thousand six hundred and thirty-two rupees to compensate them for the expenditure incurred by them on local drainage within the area of the Ballygunge Pumping station and the High Level Outfall Sewer added to Calcutta.

(*2*) From the commencement of this Act, the Corporation shall pay annually from the Municipal Fund for ten years to the Commissioners of the South Suburban Municipality the sum of eight thousand rupees, being approximately, at the commencement of this Act, one-half of the difference between the gross revenue obtained as rates and taxes from, and the amount expended on, that portion of the area known as the New Dock Extension Area which was formerly comprised within the said municipality and which forms part of the area added to Calcutta.

Special payments on improvements of the area which formed the Maniktola and Cossipur-Chitpur Municipalities.

90. The Corporation shall, beginning from the third year after the commencement of this Act, spend annually for ten years a sum of not less than one lakh of rupees on the execution of original improvement works within the area which formed the Maniktala Municipality before the commencement of this Act [3][and] a sum of not less than a lakh of rupees on the

[1]*See* footnote 1 on p. 2, *ante*.

[2]Section 88A was inserted by s. 6 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[3]The word "and" was inserted by item No. 3(*1*) of the Schedule to the Garden Reach Municipality Act, 1932 (Ben. Act III of 1932).

execution of original improvement works within the area which formed the Cossipur-Chitpur Municipality at the commencement of this Act. [1]* * * *

Special payment to Garden Reach Municipality.

[2]**90A.** The Corporation shall, beginning from the first day of April, 1932, pay annually for thirty years a sum of two and a half lakhs of rupees to the Commissioners of the Garden Reach Municipality as constituted by the Garden Reach Municipality Act, 1932.

Ben. Act III of 1932.

Expenditure on primary education.

91. The Corporation shall spend annually a sum of not less than a lakh of rupees for the purpose of promoting primary education among boys between the ages of six and twelve years and girls between the ages of six and ten years residing in Calcutta.

Grant in aid of primary education.

[3]**91A.** In addition to the prohibition contained in section 88A and notwithstanding anything contained in this Act, no grant shall knowingly be made by the Corporation, without the previous sanction of the [4][Provincial Government] for the purpose of promoting primary education among boys and girls to any institution which has after the commencement of the Calcutta Municipal (Amendment) Act, 1933, taken into employment any person, or to any person, who has been convicted of an offence against the State or sentenced to imprisonment for a term of three months or more.

Ben. Act XI of 1933.

Explanation 1.—In this section the expression "offence against the State" has the meaning assigned to it in section 54D.

Explanation 2.—If any fact is communicated to the Chief Executive Officer, the Corporation shall, for the purposes of this section, be deemed to have knowledge of that fact.

Investment of surplus money.

92. (*1*) Surplus moneys at the credit of the Municipal Fund which cannot immediately or at an early date be applied to the purposes of this Act, may from time to time be deposited at interest or placed in current account in the Imperial Bank of India, or in any other bank or banks in Calcutta which may be approved by the [4][Provincial Government], or invested in any of the securities or debentures mentioned in section 112, sub-section (*1*):

[1]The words "and a sum of not less than a lakh of rupees on the execution of original improvement works within the area which formed the Garden Reach Municipality at the commencement of this Act" were omitted by item No. 3 (*2*) of the Schedule to the Garden Reach Municipality Act, 1932 (Ben. Act III of 1932).

[2]Section 90A was inserted by item No. 4 of the Schedule to the same Act.

[3]Section 91A was inserted by s. 7 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[4]*See* footnote 1 on p.2, *ante*.

Provided that, where any money is placed in current account under this sub-section with any bank or banks other than the Imperial Bank of India, no cheques shall be drawn by the Corporation against such current account, except in favour of the Imperial Bank of India.

(2) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

CHAPTER VII.

BUDGET ESTIMATE.[1]

Executive Officer to lay before Corporation annual estimates of expenditure, receipts and balances and statement of proposed taxes.

93. The Executive Officer shall, on or before each tenth day of February, cause to be prepared and lay before the Corporation, in such form as the Corporation may from time to time approve,—

(a) an estimate of the expenditure which should, in his opinion, be incurred by the Corporation in the next ensuing year,

(b) an estimate of receipts from all sources during the said year,

(c) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the said year, and

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under this Act in the said year.

Corporation to frame Budget Estimate.

94. (1) The Corporation shall consider the estimates and proposals submitted by the Executive Officer under section 93 and shall thereafter—

(a) on or before the twenty-second day of March in each year frame and adopt a Budget Estimate of income and expenditure for the ensuing year, and

(b) determine, subject to the provisions of Part IV, the levy of the consolidated rate and taxes for the said year at such rates as are necessary to provide for the purposes mentioned in sub-section (2):

[1]For special provisions in regard to the Budget Estimate for 1924-25, see the Calcutta Municipal (No. II) Act, 1923 (Ben. Act XI of 1923).

(Part III.—Chapter VII.—Budget Estimate.—Sections 95, 96.)

Provided that, except under section 18 or section 96, the rates so determined shall not be subsequently altered for the year for which they have been determined.

(2) In such Budget Estimate, the Corporation shall, among other things,—

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed by this Act,

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the Corporation may be liable in respect of loans contracted by them, and

(c) allow for a cash balance at the end of the said year of not less than six lakhs of rupees.

Power to Corporation to alter budget-grants.

95. (1) The Corporation may from time to time during the year—

(a) increase the amount of any budget-grant,

(b) make an additional budget-grant to meet any special or unforeseen requirement arising during the same year,

(c) transfer the amount or a portion of the amount of any budget-grant to the amount of any other budget-grant, or

(d) reduce the amount of any budget-grant:

Provided as follows:—

(i) due regard shall be had to all the requirements of this Act, and

(ii) in making any increase or additional budget-grant, the estimated cash balance at the close of the year shall not be reduced below six lakhs of rupees.

(2) Every increase to a budget-grant and every additional budget-grant made in any year under sub-section (1) shall be deemed to be included in the Budget Estimate finally adopted for that year.

Power to Corporation to re-adjust income and expenditure during the year.

96. (1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grants that has been made under section 95, the income of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the Budget Estimate of that year, and to leave at the close of the year a cash balance of not less than six lakhs of rupees, then it shall be incumbent on the

Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation or to an increase of the rates, or adopt all or any of those methods:

Provided that the rates shall not be raised under this section beyond the maximum percentage prescribed under section 124, and that the supplementary taxation shall not be imposed unless two-thirds of the members of the Corporation present at a meeting have voted in favour of it.

CHAPTER VIII.

LOANS.

Power to Corporation to borrow money.

97. (1) The Corporation may, in pursuance of a resolution passed at a meeting, from time to time raise a loan, by the issue of debentures or otherwise on the security of the consolidated rate, or of all or any of the taxes, fees and dues authorized by this Act (or of both the said rate and all or any of the said taxes, fees and dues), of any sums of money which may be required—

(a) for the construction of works under this Act, or

(b) for the acquisition of land for the purposes of this Act, or

(c) to pay off any debt due [1][to the Crown], or

(d) to repay a loan raised under this Act:

Provided as follows:—

(i) no loan shall be raised without the previous sanction of the [2][Provincial Government];

(ii) the rate of interest to be paid for any loan, and the terms (as to the time and method of repayment, and otherwise) upon which any loan is to be raised, shall be subject to the approval of the [2][Provincial Government]; [3][and]

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[1]These words were substituted for the words "to the Government", by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]See footnote 1 on p. 2, *ante*.

[3]This word was inserted by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

(Part III.—Chapter VIII.—Loans.—Sections 98-100.)

(*iii*) the period within which a loan is to be repaid shall in no case exceed sixty years; [1]*

* * * *[2]

(*2*) When any sum of money has been borrowed under sub-section (*1*),—

(*i*) no portion thereof shall, without the previous sanction of the [3][Provincial Government], be applied to any purpose other than that for which it was borrowed, and

(*ii*) no portion of any sum of money borrowed under clause (*a*) of sub-section (*1*) shall be applied to the payment of salaries or allowances to any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

Determination of sums to be borrowed.

98. The Corporation shall, at a meeting to be held on or before the twenty-second day of March in each year, after considering the Executive Officer's proposals in this behalf, determine, subject to the provisions of this Act, what sums of money (if any) shall be borrowed under section 97 in the next ensuing year.

Power of Corporation to open credit account with a bank.

99. Notwithstanding anything contained in section 97, whenever the borrowing of any sum has been sanctioned under that section, the Corporation may, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit on such terms as may be sanctioned by the [3][Provincial Government], from any bank on a cash account to be kept in the name of "the Municipal Corporation of the City of Calcutta" to the extent of such sum or part and, with the sanction of the [3][Provincial Government], may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

Limit to borrowing powers.

100. Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall be limited so that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds [including the payments prescribed

[1]The word "and" was omitted by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

[2]Proviso (*iv*) was omitted by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]*See* footnote 1 on p. 2, *ante*.

by sub-clause (*c*) of clause (*1*) of section 108], shall not exceed ten *per cent.* on the annual rateable value of land and buildings as determined under Chapter X.

Form, exchange, transfer and effect of debentures.

101. (*1*) All debentures issued under this Act shall be in such form, and signed by such person, as the Corporation may from time to time prescribe, with the previous sanction of the [1][Provincial Government], [2]* * * *.

(*2*) The holder of any debenture in any form prescribed under sub-section (*1*) may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in any other form so prescribed.

(*3*) The holder of any debenture issued by the Corporation under the authority of any prior enactment may obtain in exchange therefor, upon such terms as the Corporation may from time to time determine, a debenture in a form prescribed under sub-section (*1*).

(*4*) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(*5*) The right to sue in respect of the moneys secured by any such debentures, or by any debentures issued by the Corporation under the authority of any prior enactment, shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Signature of coupons attached to debentures.

102. All coupons attached to debentures issued under this Act shall bear the signature of the Executive Officer; and such signature may be engraved, lithographed or impressed by any mechanical process.

Payment to survivors of joint payees.

103. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, IX of 1872. the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

104. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for

[1]*See* footnote 1 on p. 2, *ante*.

[2]The words and brackets "or (in the case of a loan raised out of India) the Government of India" were omitted by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

105. Every loan raised by the Corporation under section 97 shall be repaid within the time approved under proviso (*ii*) to sub-section (*1*) of that section, and by such of the following methods as may be so approved, namely:— **Repayment of loans.**

(*a*) from a Sinking Fund established under section 106 in respect of the loan, or

(*b*) partly from the Sinking Fund established under section 106 in respect of the loan, and (to the extent to which that Sinking Fund falls short of the sum required for the repayment of the loan) partly from money borrowed for the purpose under clause (*d*) of sub-section (*1*) of section 97.

106. (*1*) Whenever the repayment from a Sinking Fund of a loan referred to in section 105, has been approved under proviso (*ii*) to sub-section (*1*) of section 97, the Corporation shall establish such a fund and shall pay into it every six months until the loan is repaid, a sum so calculated that, if regularly paid, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved. **Establishment and maintenance of Sinking Funds for such loans.**

(*2*) The rate of interest, on the basis of which the sum referred to in sub-section (*1*) shall be calculated shall be such as may be prescribed by the [1][Provincial Government].

(*3*) A separate Sinking Fund shall be established in respect of each loan referred to in section 105.

107. Notwithstanding anything contained in section 106, if at any time the sum standing at credit of the Sinking Fund established for the repayment of any loan is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (*2*) of that section, it will be sufficient to repay the loan at the time approved under proviso (*ii*) to sub-section (*1*) of section 97, then, with the permission of the [2][Provincial Government], further payments into such fund may be discontinued. **Power to discontinue payments into Sinking Fund.**

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[1]These words were substituted for the words "Government of India" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]*See* footnote 1 on p. 2, *ante*.

Provisions regarding loans raised between the 1st April, 1881, and the commencement of the Calcutta Municipal (Loans) Act, 1914.

108. In respect of all loans raised by the Corporation between the first day of April, 1881, and the commencement[1] of the Calcutta Municipal (Loans) Act, 1914, the following provisions shall have effect, namely:— Ben. Act IV of 1914.

(1) The Corporation shall maintain a Sinking Fund in respect of all such loans, and shall pay into such Fund the following sums:—

(a) on the first day of January and the first day of July in each year, in respect of such of the said loans as were repaid before the thirty-first day of March, 1914, a sum representing four *per cent. per annum* on the amount of each of such loans, such payments to be continued, in the case of each of such loans, until the expiry of a period of forty-seven years from the date on which the loan was raised, and

(b) on the first day of January and the first day of July in each year, in respect of such of the said loans as have not been repaid before the thirty-first day of March, 1914, a sum representing one *per cent. per annum* on the amount of each of such loans, until the loan is repaid, and

(c) on the first day of January and the first day of July in each year, for a period of ten years, with effect from the first day of July, 1914, the sum of sixty-six thousand rupees.

(2) When any of the said loans hereafter falls due for repayment, it shall be repaid—

(i) from the sums which have accumulated in the Sinking Fund maintained under clause (1) and in Sinking Fund A maintained before the commencement[1] of the Calcutta Municipal (Loans) Act, 1914, to the extent to which six-monthly payments of one *per cent. per annum* on the amount of any such loan would have accumulated at three *per cent.* compound interest from the date of its commencement, and

[1]The 11th March, 1914.

(*ii*) to the extent to which the sums referred to in sub-clause (*i*) of this clause fall short of the sum required for repayment of the loan—from money to be borrowed by the Corporation for the purpose, for any period not exceeding the period by which the term of the original loan falls short of forty-seven years.

(*3*) A separate Sinking Fund shall be established in respect of each amount borrowed under sub-clause (*ii*) of clause (*2*) of this section, and the provisions of sections 106 and 107 shall apply to each such Sinking Fund.

Method of disposal of securities transferred to Corporation under Ben. Act IV of 1914.

109. All securities and cash jointly or severally held, before the commencement[1] of the Calcutta Municipal (Loans) Act, 1914, by the Secretary to the Government of Bengal in the Financial Department and the Accountant-General, Bengal, as Trustees for and in respect of Sinking Fund A referred to in sub-clause (*i*) of clause (*2*) of section 108 and transferred by them to the Corporation in pursuance of the provisions of that Act, shall be held by the Corporation as part of the Sinking Fund established under section 108 and all other securities and cash held in any other Sinking Fund established by the Corporation under the said Calcutta Municipal (Loans) Act, 1914, shall vest in the Corporation for the purpose of repayment of the loan in respect of which such Sinking Fund was established and such Sinking Fund shall be deemed to have been established under section 106.

Ben. Act IV of 1914.

Power to Corporation to consolidate their loans.

110. (*1*) Notwithstanding anything contained in this Act, the Corporation may consolidate all or any of their loans, and for that purpose may invite tenders for a new loan (to be called "the Calcutta Municipal Consolidated Loan, 19 ") and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(*2*) The terms of every such consolidated loan, and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the previous approval of the [2][Provincial Government].

(*3*) The period for the extinction of any such consolidated loan shall not, without the sanction of the

[1] The 11th March, 1914.

[2] *See* footnote 1 on p. 65, *ante*.

[1][Provincial Government], extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(*4*) The Corporation shall provide for the repayment of every such consolidated loan by establishing a Sinking Fund therefor.

(*5*) The provisions of sections 106 and 107 shall apply to each Sinking Fund established under sub-section (*4*):

Provided that, in calculating the sum to be paid into any such Sinking Fund in pursuance of section 106, any sums transferred to that fund in pursuance of proviso (*i*) or proviso (*ii*) to section 114 shall be taken into account.

Time for repayment of money borrowed to extinguish previous loan.

111. The time for the repayment of any money borrowed under this Act for the purpose of extinguishing any previous loan shall not, except with the express sanction of the [1][Provincial Government], extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Investment of Sinking Funds.

112. (*1*) All moneys paid into a Sinking Fund shall as soon as possible be invested by the Corporation in—

(*a*) Government securities, or

(*b*) securities guaranteed [2][by the Central or any Provincial Government], or

(*c*) Calcutta Municipal debentures, or

(*d*) debentures issued by the Commissioners for the Port of Calcutta, or

(*e*) debentures issued by the Trustees for the Improvement of Calcutta,

and shall be held by the Corporation for the purpose of repaying from time to time the debentures issued by it.

(*2*) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate Sinking Fund and invested in the manner prescribed by sub-section (*1*).

(*3*) Moneys standing at credit of two or more Sinking Funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not

[1]*See* footnote 1 on p. 65, *ante*.

[2]These words were substituted for the words "by the Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(*4*) Any investment made under this section may from time to time, subject to the provisions of sub-section (*1*), be varied or transposed.

113. (*1*) For the purpose of investing any portion of the Municipal Fund (including Sinking Funds) the Corporation may, with the previous sanction of the [1][Provincial Government], reserve and set apart for issue at par to and in the name of the Corporation of Calcutta any portion of the debentures to be issued on account of any loan, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan. **Power to Corporation to reserve a portion of loan—debentures for investment of Sinking Funds.**

(*2*) The issue of any such debentures to the Corporation, as aforesaid, shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Corporation, of any debenture issued by the Corporation shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

114. Until any loan is wholly repaid, the Corporation shall not apply the Sinking Fund established in respect of that loan to any purpose other than the repayment of that loan: **Application of Sinking Funds.**

Provided that—

(*i*) when any loan, or part thereof, which is raised after the commencement of this Act, is consolidated under section 110, the Corporation shall transfer to the Sinking Fund established for such consolidated loan the sum standing at credit of the Sinking Fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing at credit of the Sinking Fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan; and

[1]*See* footnote 1 on p. 2, *ante*.

(Part III.—Chapter VIII.—Loans.—Sections 115-117.)

(*ii*) when any loan, or part thereof, which was raised before the commencement[1] of the Calcutta Municipal (Loans) Act, 1914, has been consolidated, the Corporation shall transfer such amounts as the [2][Provincial Government], may direct from the Sinking Fund maintained under clause (*1*) of section 108, and from Sinking Fund A maintained before the commencement of the said Act to the Sinking Fund established for consolidated loans under section 110, sub-section (*4*). Ben. Act IV of 1914.

Annual statement by Executive Officer.

115. (*1*) The Executive Officer shall, at the end of each year, prepare a statement showing—

(*a*) the amount which has been invested during the year under section 112,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in the hands of the Corporation, and

(*d*) the aggregate amount which has, up to the date of the statement, been applied under section 114, in or towards repaying loans.

(*2*) Every such statement shall be laid before a meeting of the Corporation and published in the [3][*Official Gazette*].

Priority of payments for interest and repayment of loans over other payments.

116. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation.

Annual examination of Sinking Funds.

117. (*1*) All Sinking Funds established under this Act shall be subject to annual examination by the Accountant-General, Bengal, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(*2*) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on

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[1]The 11th March, 1914.
[2]*See* footnote 1 on p. 65, *ante*.
[3]*See* footnote 2 on p. 2, *ante*.

the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

The value of securities belonging to a Sinking Fund shall be their current value unless they fall due for redemption at par or above before maturity of the Fund in which case their current value shall be taken as their redemption value, except in the case of Calcutta Municipal Debentures which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of repayment of the loan.

(*3*) The Corporation shall forthwith pay into any Sinking Fund any amount which the Accountant-General may certify to be deficit, unless the [1][Provincial Government], specially sanction a gradual readjustment.

(*4*) If the cash and the value of the securities at credit of any Sinking Fund are in excess of the amount which should be at its credit, the Accountant-General shall certify the amount of such excess sum, and the Corporation may thereupon transfer the excess sum to the Municipal Fund.

(*5*) If any dispute arises as to the accuracy of any certificate made by the Accountant-General under sub-section (*3*) or sub-section (*4*), the Corporation may, after making the payment or transfer therein mentioned, refer the matter to the [1][Provincial Government], whose decision shall be final.

Attachment of Municipal Fund for recovery of money borrowed from the Crown.

118. (*1*) If any money borrowed by the Corporation from [2][the Crown], whether before or after the commencement of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the [1][Provincial Government] may attach the Municipal Fund or any portion thereof.

(*2*) After such attachment, no person except an officer appointed in this behalf by the [1][Provincial Government] shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Corporation or any Municipal Officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

[1]*See* footnote 1 on p. 2, *ante*.

[2]These words were substituted for the words "the Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to [1][the Crown].

Attachment of Municipal Fund for securing payment into Sinking Fund.

119. If the Corporation fail to make any payment as required by section 117, sub-section (*3*), the [2][Provincial Government], may attach the Municipal Fund or any portion thereof; and the provisions of section 118, sub-section (*2*), shall, with all necessary modifications, be deemed to apply.

CHAPTER IX.

ACCOUNTS.

Accounts to be kept.

120. [3][Subject to any rules made by the [2]Provincial Government in this behalf,] accounts of receipts and expenditure of the Corporation shall be kept in such manner and in such forms as they may from time to time prescribe.

Appointment and powers of municipal auditors.

121. (*1*) The municipal accounts shall be examined and audited from time to time by auditors appointed in that behalf by the [2][Provincial Government]. [4][The Executive Officer shall submit all accounts to the auditors as required by them.]

(*2*) The auditors so appointed may,—

(*a*) by written summons, require the production before them [5][or before any officer subordinate to them] of any document which they may consider necessary for the proper conduct of their audit;

(*b*) by written summons, require any person accountable for, or having the custody or control of, any such document to appear in person before them [5][or before any officer subordinate to them]; and

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[1]*See* footnote 2 on p. 71, *ante*.

[2]*See* footnote 1 on p. 2, *ante*.

[3]These words within square brackets were inserted by s. 8 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[4]These words within square brackets were added by s. 9 (*1*) of the same Act.

[5]These words within square brackets were inserted by s. 9 (*2*) of the same Act.

(Part III.—Chapter IX.—Accounts.—
Sections 121A-123.)

(c) require any person so appearing before them [1][or before any officer subordinate to them] to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Penalty for failure to comply with summons or requisition.

[2]**121A.** Any person who neglects or refuses to comply with a summons or requisition made under section 121, shall be punished with fine which may extend to two hundred rupees in respect of each item included in the summons or requisition.

Reports and information to be furnished by auditors.

122. The auditors appointed under section 121 shall—

(a) report to the Corporation any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Corporation, or in the municipal accounts;

[3](aa) report to the Corporation any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct, with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste;

(b) furnish to the Corporation such information as the Corporation may from time to time require concerning the progress of their audit;*[4]

(c) as soon as may be after the completion of their audit, deliver to the Corporation a report upon the municipal accounts; [5]and

[5](d) submit to the [6][Provincial Government] duplicate copies of all reports referred to in clauses (a), (aa) and (c).

Corporation to remedy defects and report to the Provincial Government.

[7]**123.** (1) The Corporation shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and shall report to the [6][Provincial Government] the action taken by the Corporation:

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[1]*See* footnote 5 on p. 72, *ante*.

[2]This section was inserted by s. 10 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

[3]Clause (aa) was inserted by s. 11 (1) of the same Act.

[4]The word "and" was omitted by s. 11 (2) of the same Act.

[5]The word "and" and clause (d) were added by s. 11(3) of the same Act.

[6]*See* footnote 1 on p. 2, *ante*.

[7]Sections 123, 123A, 123B, 123C, 123D, 123E, 123F, and 123G were substituted for the original section 123 by s. 12 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1933).

(Part III.—Chapter IX.—Accounts.—Sections 123A, 123B.)

Provided that if there is a difference of opinion between the Corporation and the auditors, or if the Corporation do not remedy any defect or irregularity within a period considered by the auditors to be reasonable, the matter shall be referred to the [1][Provincial Government] within such time and in such manner as the [1][Provincial Government] may prescribe by rule, and it shall be competent to the [1][Provincial Government] to pass such orders thereon as they think fit. The orders of the [1][Provincial Government] shall, save as provided in sections 123B and 123C, be final and the Corporation shall take action in accordance therewith.

(2) If, within any period fixed by an order made by the [1][Provincial Government] under sub-section (1), the Corporation fail to comply with such order, the provisions of section 18 shall, with all necessary modifications, be deemed to apply, as if such order had been issued under section 17.

Publication of auditors' report with replies.

[2]**123A.** The Corporation shall publish the auditors' report referred to in clause (c) of section 122 with their replies to each item thereof within such time after the receipt of the said report as the [1][Provincial Government] may prescribe by rule and shall make the same available for sale to the public.

Power to auditors to disallow, surcharge and charge.

[2]**123B.** (1) The auditors, after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person.

(2) Any Councillor, Alderman, or member of a Committee present at a meeting at which a motion or a resolution is passed authorising expenditure which is subsequently disallowed under this section or authorising any action which leads to expenditure afterwards so disallowed, shall be deemed to be a person authorising the illegal payment if he votes for such motion or resolution, and all persons so voting shall be held jointly and severally responsible for the expenditure.

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[1]*See* footnote 1 on 2, *ante*.
[2]*See* footnote 7 on p. 73, *ante*.

(Part III.—Chapter IX.—Accounts.—Sections 123C, 123D.)

(*3*) The auditors shall state in writing their reasons for every disallowance, surcharge or charge made by them and shall serve in the manner prescribed by the [1][Provincial Government] a certificate of the amount due and a copy of the reasons for their decision on the person against whom the certificate is made, and shall also furnish copies thereof to the Corporation and to the [1][Provincial Government].

(*4*) The [1][Provincial Government] may, of their own motion, within one year after receiving the copy of the certificate, set aside or modify any disallowance, surcharge or charge, and any certificate in respect thereof, made by the auditors.

Right of appeal to the Civil Court or to the Provincial Government.

[2]**123C.** Any person from whom any sum has been certified by the auditors under section 123B to be due may, within three months after he has been served with the certificate, apply to the Civil Court to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made, and the said Court after taking such evidence as is necessary may confirm, set aside or modify the disallowance, surcharge or charge, and the certificate, with such orders as to costs as it may think proper in the circumstances; or in lieu of such application to the Court any such person may appeal to the [1][Provincial Government] who shall pass such orders as they think fit, and the decision of the [1][Provincial Government] on such appeal shall be final. Where a person referred to in section 123B, sub-section (*2*), who has been surcharged as authorising an illegal payment appeals to the [1][Provincial Government] under this section the [1][Provincial Government] shall set aside such surcharge if it is proved to their satisfaction that such person voted for the motion or resolution in good faith.

Explanation.—In this section "the Civil Court" means the High Court at Fort William in Bengal, if and when it is specifically empowered by law to entertain an application under this section, and unless and until the said High Court is so empowered, means the Court of Small Causes of Calcutta.

Payment of certified sums to be made within three months.

[2]**123D.** (*1*) Notwithstanding any application or appeal that may be made under section 123C, every sum certified to be due from any person by the auditors under this Act or, if the certificate has been modified under section 123B, sub-section (*4*), or under section 123C, the

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 7 on p. 73, *ante*.

sum shown to be due from such person in the modified certificate shall be paid by such person to the Executive Officer within three months after he has been served with a certificate of the auditors or within such longer period as may be allowed by the [1][Provincial Government]; any such sum, if not so paid, shall, notwithstanding the provisions of section 123F, be recoverable on an application made to the Court of Small Causes of Calcutta either by the Executive Officer or, if he fails to apply within such time as the [1][Provincial Government] may prescribe by rule, by the auditors, in the same way as an amount decreed by that Court.

(*2*) Any sum or part of a sum so paid or recovered, the certificate in respect of which is set aside or modified under section 123B, sub-section (*4*), or under section 123C, shall, as the case may require, be wholly or partly refunded, in the prescribed manner, to the person who paid it.

Costs and expenses payable out of Municipal Fund.

[2]**123E.** (*1*) All costs allowed by the Court against the auditors under the provisions of section 123C and all expenses incurred by the auditors in connection with an application under section 123D shall be paid out of the Municipal Fund.

(*2*) If the Corporation fail to pay any costs or expenses as required by sub-section (*1*) within a period to be fixed by the [1][Provincial Government] in this behalf, the [1][Provincial Government] may attach the Municipal Fund or any portion thereof; and the provisions of section 118, sub-section (*2*), shall, with all necessary modifications, be deemed to apply.

Effect of non-payment of certified sums.

[2]**123F.** If any sum certified by the auditors under this Act to be due from a Councillor, Alderman or member of a Committee or from any officer or servant of the Corporation or, if the certificate has been modified under section 123B, sub-section (*4*), or under section 123C, any sum shown to be due from such person in the modified certificate is not paid by such person within the period of three months or such longer period as the [1][Provincial Government] may allow under section 123D, he shall be deemed to have vacated his seat or to have been dismissed from the service of the Corporation, as the case may be, with effect from the date of an order to be made by the [1][Provincial Government] in this behalf and shall not be eligible for re-election or re-appointment until the

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 7 on p. 73, *ante*.

sum certified, or the sum shown to be due in the modified certificate, has been paid by him or the certificate in respect of such sum has been set aside under section 123B, sub-section (4), or under section 123C.

[1]**123G.** (1) The [2][Provincial Government] may make rules for the purpose of carrying into effect the provisions of this Chapter. Power to Provincial Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner and forms in which the accounts of the Corporation shall be kept;

(b) the agency by which and the manner in which prosecutions shall be instituted under section 54A, sub-section (5);

(c) the powers and duties of the auditors, the procedure to be followed by them and the times and places at which an audit may be conducted;

(d) the period within which, and the manner in which, matters shall be referred to the [2][Provincial Government] under section 123;

(e) the period within which and the manner in which the auditors' report with the replies of the Corporation shall be published;

(f) the manner in which and the price at which the auditors' report with the replies of the Corporation shall be offered for sale;

(g) the service under section 123B, sub-section (3), of certificates and copies of the reasons for the decisions of the auditors;

(h) recording in minutes and proceedings of the meetings of the Corporation or of any Committee thereof the names of persons who vote for and against any motion or resolution that is adopted or passed and of persons who do not vote;

(i) the period within which application shall be made by the Executive Officer under section 123D, sub-section (1); and

(j) the manner in which refunds shall be made under section 123D, sub-section (2).

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[1]*See* footnote 7 on p. 73, *ante*.
[2]*See* footnote 1 on p. 2, *ante*.

PART IV.

Taxation.

CHAPTER X.

THE CONSOLIDATED RATE.

Imposition of consolidated rate.

Power to Corporation to impose consolidated rate.

124. A consolidated rate not exceeding twenty-three *per cent.* on the annual valuation determined under this chapter may be imposed by the Corporation upon all lands and buildings in Calcutta for the purposes of this Act.

Amount of consolidated rate, how to be fixed.

125. The amount of the said rate shall be fixed annually, in the manner provided in Chapter VII, with reference to the requirements of the Municipal Fund.

Exemptions.

Exemptions from consolidated rate.

126. (*1*) Buildings used exclusively for purposes of public worship, and public burial or burning grounds or other places for the disposal of the dead duly registered under Chapter XXXI, shall be exempt from the consolidated rate;

and the Corporation may either wholly or partially exempt from the consolidated rate any land or building used exclusively for purposes of public charity:

Provided that the following land and buildings shall not be deemed to be used exclusively for public worship or for purposes of public charity within the meaning of this section, namely,—

(*a*) land or buildings in or on which any trade or business is carried on; and

(*b*) land or buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious purposes or purposes of public charity.

(*2*) Open spaces and parade grounds, which are the [1][property of the Crown] and over which, when not required for military purposes, the public are allowed to

[1]These words were substituted for the words "property of Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

have free access, shall be exempted from the consolidated rate, if [1][they were so exempted immediately before the commencement of Part III of the Government of India Act, 1935, or if] the [2][Provincial Government] so direct.

26 Geo. V, C. 2.

(3) The Corporation may exempt the owner of any hut from payment of the whole or any portion of the consolidated rate payable in respect of such hut, and in any such case they may exempt the owner of the land on which the hut is built, or not, as they think fit.

(4) The Corporation may, by resolution, exempt from the consolidated rate all lands and buildings the annual valuation of which, as determined under this chapter, does not exceed twenty rupees or such smaller sum as may be specified in such resolution:

Provided that no person shall be entitled to claim the benefit of such exemption if he owns or occupies more than one piece of land or more than one building and the aggregate annual valuation of all the lands or buildings owned or occupied by him exceeds twenty rupees or the said smaller sum.

Assessment of lands and buildings to the consolidated rate.

Annual value of land or building, how to be ascertained.

127. For the purpose of assessing land and buildings to the consolidated rate,—

(a) the annual value of land, and the annual value of any building erected for letting purposes or ordinarily let, shall be deemed to be the gross annual rent at which the land or building might at the time of assessment reasonably be expected to let from year to year, less, in the case of a building, an allowance of ten *per cent.* for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent; and

(b) the annual value of any building not erected for letting purposes and not ordinarily let shall be deemed to be five *per cent.* on the sum obtained by adding the estimated present

[1]These words were inserted by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]*See* footnote 1 on p. 2, *ante*.

cost of erecting the building, less a reasonable amount to be deducted on account of depreciation (if any), to the estimated present value of the land valued, with the building as part of the same premises:

Provided as follows:—

(*i*) the annual value of a *bustee* shall be deemed to be the gross annual rent at which the land contained within it, excluding the lands which have been left vacant for the purposes of any *bustee* street prescribed in or under a standard plan approved by the Corporation under Chapter XXII, might reasonably be expected to let from year to year, *plus* the gross annual rent at which the huts erected thereon might reasonably be expected to let from year to year, after deducting therefrom the rent of the land and an allowance of ten *per cent.* for the cost of repairs and for all expenses necessary to maintain such huts in a state to command such gross rent;

(*ii*) in calculating the value of any land or building under this section, the value of any machinery on such land or in such building shall be excluded, but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued, subject in the case of a lift to such deduction from the valuation, as the Executive Officer may think proper, on account of the cost of repairs to, maintenance of, and attendance on, such lift;

(*iii*) if in the case of a building valued under clause (*b*), the annual value of which does not exceed five hundred rupees, any exceptional circumstances exist which render a valuation of five *per cent.* on the cost of erecting the building less depreciation, excessive, a lower percentage may be taken;

(*iv*) when any building has been valued at a special percentage taken under proviso (*iii*), it may be re-valued at any time after the exceptional circumstances referred to in that proviso have ceased to exist.

*(Part IV.—Chapter X.—The consolidated rate.—
Sections 128, 129.)*

Annual value of land or building belonging to the Calcutta Improvement Trust.

128. For the purpose of assessing land and buildings belonging to the Board of Trustees for the Improvement of Calcutta to the consolidated rate, the annual value of such land or building acquired by purchase or otherwise by the Board for the execution of an improvement scheme for the purposes of the Calcutta Improvement Act, 1911, which has been framed after the commencement of this Act, shall be deemed to be five *per cent.* on the cost of acquisition thereof, subject, on application made in this behalf by the Board, to revision by the [1][Provincial Government]; and such annual value shall be fixed from the date of the acquisition in each succeeding quarter on the basis of such cost, and shall, notwithstanding anything contained in section 131, remain in force until the streets (if any) laid out or altered and the open spaces (if any) provided in executing the scheme have vested in the Corporation under section 65 of the said Act.

Ben. Act V of 1911.

Explanation.—For the purposes of this section the cost of acquisition means—

(*a*) in the case of land and buildings acquired under the Land Acquisition Act, 1894, as amended by the Calcutta Improvement Act, 1911, the value of the land and buildings as determined by the Land Acquisition Collector or by the Tribunal under the Calcutta Improvement Act, 1911, or by any other higher appellate authority ;

I of 1894.

(*b*) in the case of land and buildings acquired by private treaty the purchase price of such land or buildings ;

(*c*) in the case of land and buildings taken for an improvement scheme under section 54 or section 55 of the Calcutta Improvement Act, 1911, such amount as may be determined under either of those sections ; and

(*d*) in any other case, including the erection of any new structures subsequent to the acquisition, such valuation as may be determined by the Executive Officer.

No remission for vacancy in the case of land or building belonging to the Board.

129. Notwithstanding anything contained in sections 151 to 156, and subject to the provisions of section 128, when any land or building belonging to the Board is valued under section 128, no remission or refund of the consolidated rate assessed in respect of such land or building shall be allowed on the ground that it is unoccupied, but both the owner's and the occupier's share of the consolidated rate shall be payable in full as long as such land or building belongs to the Board and is assessed under section 128.

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[1]*See* footnote 1 on p. 2, *ante*.

(Part IV.—Chapter X.—The consolidated rate.— Sections 130, 131.)

Revaluation of land or building vested in the Board after execution of an improvement scheme.

130. When the Board has executed any scheme referred to in section 128, and the streets (if any) laid out or altered and the open spaces (if any) provided in executing such scheme have vested in the Corporation under section 65 of the Calcutta Improvement Act, 1911, the valuation made under section 128 shall terminate, and any land or building acquired by purchase or otherwise by the Board for the execution of such scheme and remaining vested in the Board at the termination of such valuation shall be revalued under section 127, and such revaluation shall remain in force for such period as remains unexpired in the ward in which it is included.

Ben. Act V of 1911.

Assessment of annual value, and duration of assessment.

131. (*1*) The valuation of any land or building situated in the several wards, the respective numbers, names and boundaries of which are specified in Schedule VII, which has been made before the commencement of this Act, whether under the Bengal Municipal Act, 1884[1], or under the Calcutta Municipal Act, 1899, and which is in force at the commencement of this Act, shall remain in force and shall be deemed to be the valuation for the assessment of the consolidated rate on such land or building under this Act, until such time as the Executive Officer may make a fresh valuation of the lands and buildings in each such ward under this Act, and the annual value of such lands and buildings in each such ward shall, after such assessment has been made by the Executive Officer, have effect for a period of six years and may be revised thereafter by the Executive Officer at the termination of successive periods of six years.

Ben. Act III of 1884. Ben. Act III of 1899.

(*2*) Notwithstanding anything contained in sub-section (*1*), the following conditions shall apply in the several cases hereinafter specified, namely—

Bustees.

(*a*) *bustees* with the huts upon them may be valued annually at the discretion of the Executive officer, and shall be so valued on the application of the owner; and when such *bustees* are not re-valued, the former valuation shall remain in force from year to year until a re-valuation is made;

Unvalued lands and buildings.

(*b*) any land or building the valuation of which has been cancelled on the ground of irregularity, or which for any other reason has no annual

[1]Repealed and re-enacted by the Bengal Municipal Act, 1932 (Ben. Act XV of 1932), and these references should now be construed as references to that Act.

value assigned to it under this Act, may be valued by the Executive Officer at any time during the currency of the period prescribed in respect of such land or building by sub-section (*1*), and such valuation shall remain in force, and the consolidated rate shall be levied according to it, for the unexpired portion of such period;

Alterations and improvements.

(*c*) if, during the currency of any period prescribed by sub-section (*1*), any substantial alteration and improvement is made in any building the Executive Officer may cause such building to be re-valued; and such re-valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

New buildings.

(*d*) if, during the currency of any period prescribed by sub-section (*1*), any new building is erected, the Executive Officer may cause such building to be valued; and such valuation shall remain in force, and the consolidated rate shall be levied according to it, until the expiration of the said period;

Depreciation.

(*e*) if, during the currency of any period prescribed by sub-section (*1*), the value of any building is reduced by reason of any substantial demolition or suffers depreciation from any cause proved to the satisfaction of the Executive Officer to have been beyond the control of the owner or occupier thereof, the Executive Officer shall, as soon as practicable, on application being made to him in writing by the owner or occupier of such building, cause it to be re-valued; and such re-valuation shall remain in force from the beginning of the quarter next following the date of the application, and the consolidated rate shall be levied according to it, until the expiration of the said period;

Alterations and improvements after re-valuation.

(*f*) if any building has been re-valued under clause (*e*) and any substantial alteration and improvement is made in the building during the currency of the period prescribed by that clause for the continuance of such re-valuation, the Executive Officer may cause a new valuation of such building to be made; and such new valuation shall remain in force, and

the consolidated rate shall be levied according to it, until the expiration of the said period;

Acquisition by the Calcutta Improvement Trust.

(*g*) if, during the currency of any period mentioned in sub-section (*1*), the ownership of any portion of any building or land be acquired by purchase or otherwise by the Board of Trustees for the Improvement of Calcutta, the Executive Officer shall, on the application of the Board, divide the assessment of such building or land in the following manner, namely,—

(*a*) the Executive Officer shall determine what proportion of the assessment of such building or land shall remain assessed upon the residue of the building or land not so acquired, and such proportion shall from the date of acquisition until the expiration of the aforementioned period be deemed to be the assessment of such residue of the building or land;

(*b*) the valuation of the portion of the building or land acquired by the board shall be fixed in the manner hereinbefore prescribed in section 128, and until such valuation comes into force the Board shall be held liable for the consolidated rate due for such portion, and the amount due shall be deemed to be the amount of rates paid on the whole building or land prior to acquisition, less the amount for which the residual owner is made liable under sub-clause (*a*) of this clause;

Transfer by the Calcutta Improvement Trust.

(*h*) if, during the currency of any valuation mentioned in section 128 or section 130, any building or land, or portion thereof, vested in the Board be sold or otherwise transferred by the Board, except under section 65 of the Calcutta Improvement Act, 1911, the Executive Officer may cause the same to be re-valued under section 127, and such re-valuation shall be in force, and the consolidated rate shall be levied according to it, with effect from the quarter following the date of sale or transfer, until the expiration of the period mentioned in sub-section (*1*);

Ben. Act V of 1911.

(*i*) if any re-valuation be made under clause (*h*), the Board shall be entitled to a reduction in the total assessment fixed upon the buildings and lands acquired by it for the execution of an improvement scheme for the purposes of the Calcutta Improvement Act, 1911, to the extent of one-half of the annual valuation of the land or building, or portion thereof, thus transferred by the Board, from the quarter from which such re-valuation is fixed under section 127.

Ben. Act V. of 1911.

Acquisition by the Calcutta Improvement Trust for the execution of an improvement scheme.

Separate valuation of land and huts in case of a *bustee*.

132. For the purpose of levying the consolidated rate in the case of a *bustee*, the Executive Officer shall cause the land contained within the *bustee* and the huts standing on it to be valued separately.

Assessment in case of land or building subdivided into separate shares.

133. If, during the currency of any period prescribed by sub-section (*1*) of section 131, the ownership of any land or building, or portion thereof, is subdivided into separate shares, the Executive Officer may, on the application of any of the co-owners, divide the assessment of such land, building or portion in the following manner, namely,—

(*i*) if the ownership be subdivided into two or more shares without separate allotments, or if as the result of such subdivision there is a separate allotment of such land, building or portion into two or more separate portions, which are not entirely independent and capable of separate enjoyment, the Executive Officer may, if he thinks fit, apportion the assessment among the share-holders according to the value of their respective shares without assigning any separate number;

(*ii*) if, as the result of such subdivision, there are separate allotments of such land, building or portion and if such allotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Executive Officer may, if he thinks fit, assess such portions separately after assigning to them separate numbers under this chapter:

Provided that by such separate assessment the total assessment for the entire premises shall not be increased;

(*iii*) if such separated portions of such land, building or portion are, or are made, entirely independent and capable of separate enjoyment in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings, the Executive Officer shall assess each portion separately by assigning a separate number thereto:

Provided that by such separate assessment the total assessment for the entire premises shall not be increased:

Provided also that such apportionment or separation of the numbers and assessment, as the case may be, shall remain in force and the consolidated rate shall be levied accordingly until the expiration of the said period.

Assessment in case of amalgamation of premises.

134. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Executive Officer shall assess them, on amalgamation, after assigning to them one or more numbers, as the case may be, for the purposes of this chapter:

Provided that no assessment on amalgamation of premises shall be made by the Executive Officer unless there is a cause for the re-valuation of any of such premises except on an application being made to him by the owner or owners thereof, in which case such assessment, if made, shall remain in force for the unexpired period of the valuation of the ward in which the said premises are included:

Provided also that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises amalgamated.

Power to Executive Officer separately to assess outhouses and portions of buildings.

135. The Executive Officer may, in his discretion assess any outhouse appurtenant to a building, or any portion of a building, separately from such building or the other portions of such building, as the case may be; and, when any outhouse or portion of a building is so separately assessed, the same shall, for the purposes of this chapter, be deemed to be a separate building.

Returns and inspection for purposes of valuation.

136. (*1*) The Executive Officer may, by written notice, require the owner or occupier of any land or building to furnish him, within a fortnight after the service of the notice, with returns of the measurements and of the rent or annual value of the land or building.

*(Part IV.—Chapter X.—The consolidated rate.—
Sections 137—139.)*

(*2*) Every owner and occupier on whom any such requisition is made shall be bound to comply with the same and to make a true return to the best of his knowledge or belief.

(*3*) The Executive Officer, or any person authorized by him in this behalf, may inspect, survey and measure such land or building.

137. (*1*) When the valuation, under section 131 of the lands and buildings in any ward has been completed, the Executive Officer shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected. **Public notice and inspection of valuations.**

(*2*) Such notice shall be by advertisement in local newspapers, and also by placards posted up in conspicuous places throughout such ward.

(*3*) The Executive Officer shall also cause a placard to be posted up in each *bustee*, showing separately for each building situated in the *bustee* the valuation assigned to it in the valuation list.

(*4*) The person having custody of the valuation list shall permit any person to inspect it and to make extracts from it.

(*5*) No fee shall be charged for any such inspection; but there shall be payable, by all persons other than owners or occupiers of land in the ward and their agents, a fee of one rupee in respect of each entry extracted.

138. The Executive Officer shall, in all cases in which any land, *bustee* or building is for the first time valued, or in which the valuation of any land, *bustee* or building previously valued is increased under section 131, give special notice thereof to the owner or occupier of the same; and when the valuation is so increased, the said notice shall contain a statement of the grounds of such increase. **Notice when valuation made for the first time or increased.**

139. (*1*) Any person who is dissatisfied with a valuation made under this chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation. **Notice of objection to valuation.**

(*2*) Such notice shall be delivered within fifteen days after the publication of the notice referred to in section 137, or after receipt of the notice referred to in section 138, if such notice is received after the publication of the notice referred to in section 137:

Provided that the Executive Officer may, if he thinks fit, extend the said period of fifteen days to a period not exceeding one month.

*(Part IV.—Chapter X.—The consolidated rate.—
Sections 140—143.)*

Entry of objection and investigation thereof by Executive Officer or Deputy Executive Officer.

140. (*1*) All such objections shall be entered in a register to be maintained for the purpose; and, on receipt of any objection, notice shall be given to the objector of a time and place at which his objection will be investigated.

(*2*) At the said time and place the Executive Officer or a Deputy Executive Officer shall hear the objection, in the presence of the objector or his agent if he appears, or may, for reasonable cause, adjourn the investigation.

(*3*) When the objection has been determined, the order passed shall be recorded in the said register, together with the date of such order.

Appeal to Small Cause Court.

141. (*1*) Any person dissatisfied with the order passed on his objection may appeal to the Court of Small Causes having jurisdiction in the place where the land or building, to the valuation of which the objection was made, is situated.

(*2*) Such appeal shall be presented to such Court of Small Causes within thirty days from the date of the order passed under section 140, and shall be accompanied by an extract from the register of objections containing the order objected to.

(*3*) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals, shall apply to every appeal preferred under this section. IX of 1908.

(*4*) No appeal shall be admitted under this section unless an objection has first been determined under section 140.

Valuations, when to be final.

142. (*1*) Every valuation made by the Executive Officer under section 131 shall, subject to the provisions of sections 139, 140 and 141, be final.

(*2*) Every order passed by the Executive Officer or Deputy Executive Officer under section 140 shall, subject to the provisions of section 141, be final.

(*3*) An appeal from a decision made by the Court of Small Causes under section 141 shall lie to the High Court.

Keeping of municipal assessment-books.

143. (*1*) The annual value fixed under this chapter shall be entered in one or more books to be kept for the purpose at the municipal office, wherein shall also be recorded—

(*a*) the number of each premises;

(*b*) the description of each premises;

(*c*) the name and place of abode of the owner and the name of the occupier;

(*d*) the amount of the valuation;

(*e*) the amount payble quarterly on account of the consolidated rate;

(*f*) the fact of exemption (if any) from payment of the said rate; and

(*g*) such other particulars (if any) as the Executive Officer may from time to time direct.

(*2*) The particulars mentioned in sub-section (*1*) may be contained in as many books as the Executive Officer may from time to time determine, which shall together constitute the municipal assessment-book.

(*3*) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment-book as "the owner" or "the occupier," as the case may be.

Entry of names of owners and occupiers in assessment-book.

144. (*1*) Any owner or occupier may at any time apply to the Executive Officer to have his name entered as owner or occupier, as the case may be, in the assessment-book; and the Executive Officer shall, after giving the parties interested an opportunity of being heard, unless there is sufficient reason to refuse such application, cause such name to be entered in the assessment-book:

Provided that if such application is refused, the reason for the refusal shall be recorded in writing.

(*2*) Where there are gradations of owners or occupiers, and doubt exists as to who is entitled to have his name entered in the assessment-book as owner or occupier of the premises, the Executive Officer shall, after giving the parties interested an opportunity of being heard, determine which of the several owners or occupiers is so entitled, and his decision shall remain in force for the purposes of this Act unless and until it is set aside by the order of a competent Court.

(*3*) No owner or occupier whose name is not entered in the assessment-book shall be entitled to object that any bill, notice of demand, warrant or other notice of any kind required by this Act to be served on the owner or occupier of any land or building, has not been made out in his own name.

Notice of transfers of title, when to be given.

145. Whenever the title in any land or building, or in any part or share of any land or building, is transferred, the transferee shall, within three months after the execution of the instrument of transfer, or, if no such instrument be executed, after the

transfer is effected, give notice in writing of such transfer to the Executive Officer:

Provided that in the event of the death of the person in whom such title vests, the person to whom, as heir or otherwise, the title of the deceased is transferred by descent or devise, shall, within one year from the death of the deceased, give notice in writing of such transfer to the Executive Officer.

Power to Executive Officer to amend assessment-book.

146. *(1)* Notwithstanding anything contained in section 142, the Executive Officer may at any time amend the assessment-book—

(*a*) by inserting therein the name of any person whose name ought, in his opinion, to be so inserted, or by inserting any land or building which is, in his opinion, liable to the consolidated rate, or by inserting a valuation when the land or building liable to be valued has not been valued; or

(*b*) by striking out the name of any person, or by striking out any land or building which is, in his opinion, not liable to the consolidated rate, or by reducing the amount of any valuation; or

(*c*) by increasing the amount of the valuation of any premises where, in his opinion, such premises, at the time of the last general valuation, have been substantially under-valued by reason of misrepresentation or fraud:

Provided that, whenever it is proposed to make any amendment under clause (*a*), notice shall be given to persons interested of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment.

Provided also as follows:—

(*i*) no amendment shall be made under clause (*c*) except by the Executive Officer; and

(*ii*) whenever it is proposed to make any such amendment, notice shall be given to the owner and occupier of the premises concerned of a day, not being less than fifteen days from the service of the notice, on which it is intended to make the amendment; and

(*iii*) clause (*c*) shall not apply to any valuation of any premises determined on appeal to the Court of Small Causes or to the High Court as the case may be.

(*2*) If any amendment be made under clause (*a*) or clause (*c*) of sub-section (*1*), any person on whom a notice is to be served under the first or second proviso to sub-section (*1*), may object by written application to the Executive Officer, to be delivered at the municipal office three clear days before the day fixed in the said notice; and the provisions of sections 139 to 142 shall, with all necessary modifications, be deemed to apply to such objection.

147. When the valuation of any land or building is revised in consequence of an objection made under section 139 or section 146, sub-section (*2*), or an appeal is preferred under section 141, the revised valuation shall take effect from the quarter in which the first-mentioned valuation would have taken effect, and shall continue in force for the period for which the said first-mentioned valuation was made, and no longer. Period for which revised valuations to continue in force.

148. (*1*) The assessment calculated on the valuation for the time being shown in the assessment-book shall be deemed to be the amount payable during the whole period for which the valuation is in force. Effect of entries in assessment-book.

(*2*) When any amendment has been made in the assessment-book, such period shall, unless otherwise specially provided, be calculated—

(*a*) from the commencement of the quarter next succeeding that in which the notice of objection was delivered under section 139 or section 146, sub-section (*2*); or,

(*b*) if no such notice has been delivered, then from the commencement of the quarter next succeeding that in which such amendment was made:

Provided that the old valuation shall, notwithstanding that the period for which it was made may have expired, continue in force until the commencement of the quarter referred to in clause (*a*) or clause (*b*), as the case may be.

Payment and recovery of the consolidated rate.

149. One-half of the consolidated rate shall be payable by the owners of the lands and buildings, and the other half by the occupiers thereof; and each such Payment of consolidated rate.

instalment shall be payable on or before the fifteenth day of April, the fifteenth day of July, the fifteenth day of October and the fifteenth day of January for the quarters respectively commencing on the first day of each of those months.

Recovery by owner from tenant in certain cases of part of the owner's share of the consolidated rate.

150. If the annual value of any land or building, as determined under this chapter, exceeds in any case the amount of the rent payable to the owner for the land or building,

the owner may in such case, notwithstanding anything contained in any other law for the time being in force in Bengal, recover from the person who pays him rent the difference between the sum assessed as the owner's share of the consolidated rate in respect of such land or building and the sum at which such share would have been assessed had the land or building been valued only at the amount of rent actually payable to the owner,

and such difference shall be added to the rent and shall be recoverable as rent by the owner from the person liable for the payment of the rent.

Refund of owner's share of consolidated rate for period of vacancy.

151. When any land or building which has been assessed to the consolidated rate has remained unoccupied and unproductive of rent for a period of sixty or more consecutive days and a written notice of the facts has been given to the Executive Officer, he shall—

(*a*) remit one-half of the owner's share of the consolidated rate due on account of such period, or,

(*b*) if the whole of such share has been paid, refund, on application made therefor, one-half of such share:

Provided that, when any land not being *wakf* or *debutter* property, which in the opinion of the Corporation is suitable for a building site, is not adequately utilised for such a purpose for a period of more than three years, the right to a remission of the consolidated rate for a vacancy in this respect, although the land is not occupied and is not productive of rent, shall cease on the expiration of such period, unless the Corporation exempt such land from the operation of this proviso on the ground that it is necessary for the land to be left open for the purpose of ventilation, or that in their opinion special circumstances exist which render it impracticable for the owner or lessee to utilise the land as a building site.

(Part IV.—Chapter X.—The consolidated rate.—Sections 152—158.)

152. Any person who has, in respect of any land or building which has been assessed to the consolidated rate, paid the occupier's share of such rate for the whole of any quarter, shall be entitled to a refund of the rate so paid for any period in that quarter during which he did not occupy such land or building, provided that such person has given notice in writing of the facts to the Executive Officer.

Refund of occupier's share of consolidated rate.

153. Every notice referred to in section 151 or section 152 shall be given during the period for which the land or building is unoccupied and unproductive of rent, or during the period of the vacancy, as the case may be; and such period shall be calculated from the date on which such notice is delivered at the municipal office:

Notice under section 151 or section 152, when to be delivered.

Provided that, if the notice is delivered within seven days of the vacancy, the remission shall be allowed with effect from the date of the vacancy.

154. No refund of any amount shall be made under section 151 or section 152 unless the same is applied for within one year from the date on which the amount was paid.

Application for refund when to be made.

155. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied, the person liable to pay the owner's share of the rate in respect of such land or building shall, within fifteen days from the date of re-occupation, give notice thereof in writing to the Executive Officer.

Notice of re-occupation, when to be given.

156. Whenever any land or building which has been assessed to the consolidated rate and has been unoccupied is re-occupied during any quarter, the occupier's share of the rate in respect of such land or building shall be payable from the date of such re-occupation.

Rate payable from date of re-occupation.

157. If any land or building is ordinarily occupied by more than one person holding in severalty, or is valued at less than two hundred rupees, the Executive Officer may, notwithstanding anything contained in section 149, levy the entire consolidated rate from the owner of such land or building.

Power of Executive Officer to levy entire rate from owner in certain cases.

158. When the entire consolidated rate is paid by the owner of any land or building under section 157, such owner may, if there be but one occupier of the land or building, recover from such occupier half of the rate so paid, and may, if there be more than one occupier, recover from each occupier half of such sum

Recovery from occupier of portion of rate paid by owner under section 157.

as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the land or building in the occupation of such occupier bears to the entire value of such land or building.

Consolidated rate to be paid by owner of a *bustee.*

159. (*1*) Notwithstanding anything contained in section 149, the entire consolidated rate leviable upon a *bustee* shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of such *bustee:*

Provided that if the owner of the *bustee* is also the owner of the huts therein, no such deduction shall be made.

(*2*) Whenever the consolidated rate is leviable upon a *bustee*, the owner of the land contained within such *bustee* may recover from the owner of each hut standing thereon—

(*i*) one-half of the consolidated rate payable in respect of the land on which the hut stands;

(*ii*) the entire consolidated rate payable in respect of the hut.

(*3*) The sum deducted under sub-section (*1*) shall be retained by the owner of the *bustee*—

(*a*) as a set-off against the expenses which may be incurred in collecting the portion of the rate recoverable under sub-section (*2*) from the owners of huts, and

(*b*) as a commutation of all refunds in respect of huts which are vacant or which may be removed or destroyed during the continuance of the period for which the rate is leviable.

Consolidated rate not payable on new or enlarged huts in a *bustee.*

160. The consolidated rate shall not be payable on account of any new huts built or any huts enlarged in a *bustee* during the year for which the valuation of the *bustee* remains in force under clause (*a*) of sub-section (*2*) of section 131.

Power to Corporation to except *bustee* from section 159.

161. The Corporation may, by order, from time to time and for such period as may be specified in the order, except any *bustee* or any part of a *bustee* from the operation of section 159; and while any such order is in force in respect of any *bustee* or part thereof, the other provisions of this Act as to the payment and recovery of the consolidated rate shall apply to such *bustee* or part.

(Part IV.—Chapter X.—The consolidated rate.— Sections 162—164.)

162. The Executive Officer may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building. **Requisition for name of owner.**

163. If the occupier of any land or building refuses or neglects to comply with a notice served under section 162, he shall be liable to pay the rate payable by the owner on account of such land or building; and, on non-payment thereof, the Executive Officer may recover the same by distress and sale of any movable property found on the land or in the building: **Occupier liable to owner's rate on failure to furnish owner's name and address.**

Provided that no arrear of the rate which has remained due from the owner of any land or building for more than one year shall be so recovered from the occupier thereof.

164. (*1*) When an objection to a valuation has been made under section 139, the consolidated rate shall, pending the final determination of the objection, be paid on the previous valuation. **Payment of consolidated rate, how affected by objections to valuation.**

(*2*) If, when the objection has been finally determined, the previous valuation is altered, then—

(*a*) any sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act, and

(*b*) any deficiency shall be deemed to be an arrear of the consolidated rate and shall be payable and recoverable as such:

Provided that—

(*i*) if any premises have, for the purposes of valuation under section 131, been for the first time valued or subdivided or amalgamated with any other premises, and an objection to the valuation thereof has been made under section 139, then the consolidated rate shall, pending the final determination of the objection, be paid on such valuation; and

(*ii*) If, when such objection has been finally determined, such valuation is reduced, and if the consolidated rate has already been paid thereon, then the sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Corporation under this Act.

(Part IV.—Chapter XI.—Tax on carriages and animals. —Sections 165—167.)

CHAPTER XI.

TAX ON CARRIAGES AND ANIMALS.

Carriages and animals specified in Schedule VIII.

Tax on carriages and animals as specified in Schedule VIII.

165. (*1*) A tax, at rates not exceeding those respectively prescribed in Schedule VIII, shall be imposed upon all carriages and animals specified in that schedule and kept or used in Calcutta, except—

(*a*) carriages kept for sale by *bonâ fide* dealers in such carriages and not used for any other purpose;

(*b*) carriages and animals belonging to [1][the Crown] and maintained—

(*i*) for the use of the Governor of Bengal or his staff or household; or

(*ii*) for police or military purposes;

(*c*) carriages and animals maintained by any authority for the purposes of a fire-brigade;

(*d*) carriages and animals certified by the Commissioner of Police to be ordinarily used by the owners thereof for police purposes;

(*e*) tram-cars employed in working street tramways, and exempted under any contract with the Corporation; and

(*f*) horses which any person exempted from the operation of any municipal tax by an order issued under section 3 of the Municipal Taxation Act, 1881, is bound by the regulations of the service to which he belongs, to keep. XI of 1881.

(*2*) The rates at which the said tax is to be imposed shall be determined annually in the budget estimate prepared under Chapter VII.

Tax, when payable.

166. The tax imposed under section 165 shall be payable half-yearly in advance.

Obligation to furnish statements, and payment and remission of tax.

167. (*1*) The owner or the person in charge of any carriage or animal liable to the tax imposed under section 165 shall, before the first day of May and the first day of November in each year,—

(*a*) forward to the municipal office a written statement, signed by him containing a description of all carriages and animals owned by him or in his charge which are so liable, and

[1]These words were substituted for the words "the Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

(*b*) at the same time pay to the Corporation the tax payable for the current half-year in respect of the carriages and animals specified in such statement.

(*2*) Any person who becomes the owner or takes charge during any half-year of any carriage or animal liable to the tax imposed under section 165 shall, within one week of his so becoming owner or taking charge,—

(*i*) forward to the municipal office a statement of the kind mentioned in clause (*a*) of sub-section (*1*), and

(*ii*) at the same time, pay to the Corporation the tax payable in respect of such carriage or animal for the whole of the said half-year:

Provided that the tax payable in respect of any carriage or animal shall not be levied twice for the same half-year.

(*3*) If the Corporation are satisfied—

(*i*) that any carriage liable to such tax has not been used during the half-year, or

(*ii*) that any carriage or animal liable to such tax has been kept for only a portion of the half-year,

they may refund or remit the whole of the tax payable in respect of such carriage or animal for the said half-year or such portion of such tax as they may think fit.

(*4*) For the purpose of this section a livery stable-keeper shall be deemed to be the owner or to be in charge of every carriage or animal in his stables.

Power to Corporation to require occupier to furnish statements.

168. The Corporation may from time to time, by written notice, require the occupier of any land or building to forward to them a statement, signed by such occupier, containing—

(*i*) the name and address of every person who owns or is in charge of any carriage or animal which is kept in or on such land or building and is liable to the tax imposed under section 165, and

(*ii*) a description of all such carriages and animals.

(Part IV.—Chapter XI.—Tax on carriages and animals. —Sections 169—172.)

Grant of license on payment of tax.

169. (*1*) When any person pays to the Corporation the amount of the tax imposed under section 165 which is payable in respect of all carriages and animals kept by him, the Corporation shall grant him a license to keep such carriages and animals during the current half-year, and no longer.

(*2*) The Corporation may at any time grant a similar license for any previous half-year for which no license has been taken out, on payment of the amount due for that half-year:

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

Power to Corporation to compound with livery stable-keepers, etc., for tax.

170. The Corporation may, in their discretion, compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid in respect of the carriages or animals so kept by such persons in lieu of the tax imposed thereon under section 165.

Power to Corporation to require production of books and accounts by livery stable-keeper.

171. The Corporation may, by written notice, require any person who carries on the trade or business of a livery stable-keeper to produce, for their inspection, all books and accounts relating to such trade or business.

Power to Corporation to inspect any premises in pursuance of provisions of this chapter, and to seize and dispose of carriages and animals.

172. (*1*) The Corporation may inspect any stable, coach-house or other place for any of the purposes, or in pursuance of any of the provisions, of this chapter.

(*2*) If, on such inspection, any carriage or animal is found in respect of which no license has been obtained, the Corporation—

(*a*) may, if the owner or person in charge of such carriage or animal is unknown, take possession of such carriage or animal, and

(*b*) shall thereupon make such order as they may think fit respecting the custody of such carriage or animal.

(*3*) If any person, within one month from the date of such order, establishes, to the satisfaction of the Corporation, his claim to the possession of such carriage or animal, the Corporation shall order it to be delivered to him on payment of the tax due, together with such costs as the Corporation have reasonably incurred in taking possession of and keeping the same.

(*4*) If no person within the said period satisfies the Corporation that he is entitled to the possession of such carriage or animal, the Corporation may—

(*i*) cause the same to be sold for the recovery of the tax and costs referred to in sub-section (*3*), and

(*ii*) order the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale), to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Corporation, his claim to such proceeds.

Dogs.

173. (*1*) A tax not exceeding five rupees *per annum* shall be imposed upon every dog kept in Calcutta: **Tax on dogs.**

Provided that the Executive Officer may in his discretion exempt from the tax any dog which appears to him to be less than six months of age until in his opinion it shall reach that age.

(*2*) Such tax shall be payable yearly in advance, and the rate at which it is to be imposed shall be determined annually in the Budget Estimate prepared under Chapter VII.

(*3*) The owner or person in charge of any dog liable to the tax imposed under sub-section (*1*) shall, before the first day of May in each year,—

(*a*) forward to the municipal office a list, signed by him, of all dogs owned by him or in his charge which are so liable, and

(*b*) at the same time pay to the Corporation the tax payable for the current year in respect of every such dog.

(*4*) Any person who, in the course of any year, becomes the owner or takes charge of any dog shall, within one week of his so becoming owner or taking charge, furnish a like statement and pay to the Corporation the tax payable for that year in respect of such dog:

Provided that the tax payable in respect of any dog shall not be levied twice for the same year.

(Part IV.—Chapter XI.—Tax on carriages and animals.—Chapter XII.—Tax on professions, trades and callings.—Sections 174, 175.)

License and number-ticket for, and disposal of dogs.

174. (*1*) When any person has paid to the Corporation the tax payable in respect of any dog, the Corporation shall—

(*a*) grant him a license to keep such dog during the current year, and

(*b*) provide him with a number-ticket, the number whereof shall be specified in the said license.

(*2*) The owner or person in charge of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(*3*) Any dog which has no such number-ticket for the then current year so attached or suspended—

(*i*) shall be presumed to be an unlicensed dog, and

(*ii*) may be seized by the police or by any person duly authorised by the Corporation in this behalf, and detained until the tax due (if any) has been paid.

(*4*) If any person, within seven days from the date of such seizure, satisfies the Corporation that he is the owner or keeper of such dog, the Corporation shall order it to be delivered to such person on payment of the tax due (if any), together with the costs incurred by the Corporation in keeping the dog.

(*5*) If, within the said seven days, no person satisfies the Corporation that he is the owner or keeper of the dog or pays the said tax and costs, the Corporation may cause the dog either—

(*a*) to be destroyed, or

(*b*) to be sold and the sale-proceeds, after deducting therefrom the said tax and costs (together with the costs of the sale) to be paid to any person who, within six months from the date of such sale, establishes, to the satisfaction of the Corporation, his claim to such proceeds.

CHAPTER XII.

TAX ON PROFESSIONS, TRADES AND CALLINGS.

Licenses to be taken out annually.

175. Every person who exercises or carries on in Calcutta, either by himself or by an agent or representative, any of the professions, trades or callings indicated in Schedule VI, shall annually take out a license

(Part IV.—Chapter XII.—Tax on professions, trades and callings.—Sections 176, 177.)

and pay for the same such fee as is mentioned in that behalf in the said schedule:

Provided that the grant of such a license shall not be deemed to affect the liability of the licensee to take out a license under any other section of this Act:

Provided also that the Corporation may—

(*a*) remit or refund any portion of the fee so payable in respect of the exercise or carrying on of any profession, trade or calling, if they are satisfied that the profession, trade or calling has been exercised or carried on for six consecutive months only; or,

(*b*) when any person is, in the opinion of the Corporation, unable to pay the fee due for a license, exempt him from liability to take out such license, or declare that he shall be entitled to take out a license under a lower class than that under which he is chargeable according to the said schedule; or,

(*c*) in any other case, exempt any person from liability to take out a license or declare that any person shall be entitled to take out a license under a lower class than before.

176. (*1*) Every license mentioned in section 175 shall, in addition to the particulars required by section 498, sub-section (*1*), specify— **Grant and contents of licenses.**

(*a*) the profession, trade or calling in respect of which it is granted; and

(*b*) if the license is a local license as defined in rule 2 of Schedule VI, the place of business where the said profession, trade or calling is exercised or carried on.

(*2*) The Corporation may at any time grant a license for any previous year for which no license has been taken out, on payment of the fee which would have been payable therefor in the first instance:

Provided that the production of such a license shall not afford a valid defence if the licensee is prosecuted for failing to take out a license within the time required by this Act.

177. The liability of any person to take out a license, and the class under which he shall be deemed bound to take out a license, shall be determined in accordance with the rules contained in Schedule VI. **Liability and class, how to be determined.**

(Part IV.—Chapter XII.—Tax on professions, trades and callings.—Chapter XIII.—Scavenging-tax.—Sections 178—180.)

Power to Corporation to require list of persons.

178. The Corporation may, by written notice, require the occupier of any building or place of business to forward to them within seven days a list, signed by such occupier, of the names of all persons exercising or carrying on any profession, trade or calling therein, and of their respective professions, trades and callings.

CHAPTER XIII.

SCAVENGING-TAX.

License to be taken out half-yearly, and fee to be paid therefor.

179. Every person who exercises in Calcutta any of the callings indicated in Part I of Schedule IX shall every half-year take out a license and pay for the same a fee, to be calculated—

(*a*) according to the average number of animals kept by him in the exercise of such calling, as determined from time to time by the Corporation, or

(*b*) in the case of the owner or occupier of a market, according to the average quantity of offensive matter and rubbish removed daily, as determined from time to time by the Corporation,

at the rates mentioned in Part II of the said schedule:

Provided that the Corporation may remit or refund the whole or any portion of the fee so payable by any person in respect of any half-year if they are satisfied that such person himself removes the offensive matter and rubbish accumulating on his premises or has exercised his said calling for a portion only of such half-year.

Grant and contents of licenses.

180. (*1*) Every license mentioned in section 179 shall, in addition to the particulars required by section 498, sub-section (*1*), specify—

(*a*) the calling in respect of which it is granted; and

(*b*) the animals in respect of which it is granted, or, in the case of a market, the average quantity of offensive matter and rubbish removed daily, as determined by the Corporation.

(*2*) Every such license shall be taken out not later than the first day of June or the first day of December in each year, as the case may be.

CHAPTER XIV.

TAX ON PETROLEUM.

181. (*1*) The Corporation may, by notification in the [1][*Official Gazette*] and with the previous sanction of the [2][Central Government], prohibit the introduction into Calcutta, for the purpose of storage therein, of petroleum intended for consumption elsewhere. Control by Corporation of storage and taxation of petroleum.

(*2*) No person shall introduce petroleum into Calcutta in contravention of any notification published under sub-section (*1*).

(*3*) When any such notification has been published, a [3][cess] not exceeding four annas for every ten gallons may, with the sanction of the [4][Provincial Government], be imposed in the manner provided by Chapter VII, on all petroleum introduced into Calcutta for consumption therein.

182. (*1*) All petroleum introduced into Calcutta, in contravention of any notification published under section 181, sub-section (*1*), or of any by-law made under clause (*2*) of section 478, may be seized and confiscated. Confiscation of petroleum.

(*2*) All petroleum confiscated under this section shall become the property of the Corporation.

CHAPTER XV.

TAX ON CARTS.

183. (*1*) Every cart kept or used in Calcutta or the Municipality of Howrah except— Registration and numbering of carts.

(*a*) carts which are the property of [5][the Crown],

(*b*) carts which are the property of the Corporation of Calcutta, of the Commissioners of the Municipality of Howrah or of any other municipality in the neighbourhood of Calcutta or Howrah, declared by notification under section 185 as being entitled to a share in the cart-registration fees,

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[1]*See* foot-note 2 on p. 2, *ante*.

[2]These words were substituted for the words "Local Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]This word was substituted for the word "tax", *ibid.*

[4]*See* footnote 1 on p. 2, *ante*.

[5]*See* footnote 1 on p. 96, *ante*.

(c) carts which are kept at any place more than eight miles distant from Government House and are only temporarily and infrequently used in Calcutta or the Municipality of Howrah,

(d) carts belonging to [1][the Crown] and maintained—

(i) for the use of the household and establishment of the Governor of Bengal, or

(ii) for police or military purposes, and

(e) carts maintained by any authority for the purposes of a fire-brigade,

shall be registered at the municipal office with the name and residence of the owner, and the place where the cart is ordinarily kept and shall have a number-plate, showing the number of such registration affixed thereto in such manner as the Corporation may direct.

(2) Such registration shall be made, and the said numbers assigned, half-yearly, upon such dates as the Corporation may appoint in that behalf.

(3) No person shall keep or be in possession of a cart not duly registered under this section.

(4) No owner or driver of a cart shall fail to affix thereto a number-plate as required by sub-section (1).

(5) The Corporation may refuse to register any cart which fails to conform to the by-laws made in regard to carts under this Act.

Fees for registration of carts.

184. [2][(1) The fee payable for each registration of a cart shall be four rupees and an additional charge of one rupee shall also be payable in each case for the number-plate to be affixed to the cart:

Provided that, if such number-plate is returned to the municipal office in serviceable condition, the said additional charge shall be refunded or set off against the charge leviable for a new number-plate.]

(2) The Corporation may, in their discretion, remit any portion of the fee leviable under sub-section (1) in respect of any cart if they are satisfied that the same has been kept or used for a portion of the half-year only.

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[1]*See* footnote 1 on p. 96, *ante*.

[2]This sub-section (1) was substituted for the original sub-section (1) by item No. 2 of the Second Schedule to the Bengal Motor Vehicles Tax Act, 1932 (Ben. Act I of 1932).

(3) When the ownership of any registered cart is transferred during any half-year, it shall be re-registered in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such re-registration.

185. After deduction of the costs incurred on account of the registration of carts and the supply of number-plates under this chapter, the total net proceeds of the fees and charges received by the Corporation for such registration shall be divided between the Corporation of Calcutta and the Commissioners of the Municipality of Howrah and such other municipalities in the neighbourhood of Calcutta or of the Municipality of Howrah as the [1][Provincial Government] shall declare, by notification in the [2][*Official Gazette*], to be entitled to a share in such proceeds, in such proportion as the [1][Provincial Government] may from time to time determine. **Division of proceeds of registration fees, etc.**

186. (1) If any person owns or keeps any cart not duly registered under section 183, the Corporation may seize such cart, together with the animals (if any) drawing it, and detain the same in a place to be appointed by them in this behalf: **Seizure and sale of unregistered carts and application of proceeds of sale.**

Provided that no cart shall be so seized while conveying passengers or goods.

(2) If any cart or animals so seized be not claimed within ten days from the date of the seizure, it or they may be sold by auction by order of a Magistrate.

(3) The proceeds of such sale may be applied in defraying the expenses incurred on account of the seizure, detention and sale; and the surplus (if any), if not claimed within a period of sixty days from the date of such sale, shall be paid to the credit of the Municipal Fund.

187. (1) No person shall drive a cart without carrying exposed to view a ticket granted by the Corporation bearing the registration number as driver. **No person to drive cart without a registration ticket.**

(2) The Corporation shall maintain a register of cartmen, authorized to drive carts, which shall contain—

(a) the number of the ticket,

(b) the name, the father's name, the place of abode and age of the person to whom the ticket is granted,

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 188, 189.)

(*c*) the description of cart such person is authorized to drive, and

(*d*) the date on which the ticket is granted.

(*3*) No cartman shall use or wear a ticket granted to him under this section if the number thereon has become indistinct or obliterated, or shall for the purpose of this section use or wear any ticket resembling or intending to resemble a ticket granted under this section, or wear a ticket granted to another cartman.

(*4*) The Corporation shall, upon the application of any driver of a cart whose ticket has become indistinct or obliterated, supply such driver with a new ticket upon payment of a fee of not more than two annas, or when they are satisfied that a ticket has been lost, may supply a new ticket on payment of a like fee.

CHAPTER XVI.

Recovery of the consolidated rate and other taxes.

Saving of other chapters.

188. The provisions of this chapter shall be deemed to be in addition to, and not in derogation of, any powers conferred by or under other chapters of this Act for the collection or recovery of the consolidated rate and other taxes.

The consolidated rate.

Presentation of bills.

189. (*1*) When the consolidated rates or any instalment thereof is due, the Corporation shall, with the least practicable delay, cause to be presented to the person liable a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises in respect of which, the rate is charged.

(*3*) When any person is liable for the consolidated rate on account of more premises than one, the Corporation may charge to him in one or several bills, as they may think fit, the several sums payable by him as such rate, on account of such premises:

Provided that if such person, by written notice to the Corporation, requests to be furnished with separate bills for such sums, the Corporation shall comply with such request in respect of all payments on account of the said rate for which such person becomes liable after receipt by the Corporation of such notice.

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 190—192.)

190. (*1*) If the amount for which any bill has been presented under section 189 is not paid within seven days from such presentation, into the municipal office or to a municipal officer appointed to receive the same, the Corporation may cause to be served upon the person liable a notice of demand in the form in Schedule X, or in a form to the like effect. **Notice of demand.**

(*2*) For every such notice of demand a fee of such amount, not exceeding one rupee, as may in each case be fixed by the Corporation. shall be payable by the said person, and the said amount shall be included in the costs of recovery.

191. (*1*) If the person liable for the payment of the consolidated rate does not, within seven days from the service of a notice of demand under section 190, pay the sum due, or show sufficient cause to the satisfaction of the Corporation for non-payment of the same, **Distraint in Calcutta.**

such sum, with all costs of recovery, may be recovered under a warrant in the form in Schedule XI, or in a form to the like effect, to be issued by the Corporation—

(*a*) by distress and sale of any movable property belonging to such person, or

(*b*) if such person be the occupier of any premises in respect of which the sum is due, by distress and sale of any movable property found on the said premises:

Provided that, when the premises in respect of which the default is committed are a place of business, and the movable property distrained under clause (*b*) is shown to the satisfaction of the Corporation to have been left there (by some person other than the person referred to in that clause) for repairs or safe custody in the ordinary course of business, it shall be released.

(*2*) The movable property of any person liable for the payment of any sum, for the recovery of which a warrant has been issued under sub-section (*1*), may be distrained wherever the same may be found in Calcutta.

(*3*) For every warrant issued under this section, a fee shall be charged at the rate mentioned in that behalf in Schedule XII, and the amount of the said fee shall be included in the costs of recovery.

192. The Corporation may, in their discretion, remit the whole or any part of any fee chargeable under section 190, sub-section (*2*), or section 191, sub-section (*3*). **Power to Corporation to remit certain fees.**

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 193—197.)

Power to officer to break open door or window.

193. Any officer charged with the execution of a warrant of distress issued under section 191, may, if authorized by a general or special order in writing by the Corporation, between sunrise and sunset break open any outer or inner door or window of a building in order to make the distress—

(*a*) if he has reasonable ground for believing that such building contains property which is liable to such distress; and

(*b*) if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter, or break open the door of, any apartment appropriated to the use of females, until he has given not less than three hours' notice of his intention and has given such females an opportunity to withdraw.

Officer executing warrant to make inventory and notice of sale.

194. The officer charged with the execution of a warrant of distress issued under section 191, shall forthwith make in the presence of two witnesses an inventory of the movable property which he seizes under such warrant, and shall at the same time give a written notice, in the form in Schedule XIII, or in a form to the like effect, to the person in possession thereof at the time of seizure, that such property will be sold as therein mentioned.

Power to said officer to take away property if forcible removal apprehended.

195. If there is reason to believe that any property seized under a warrant of distress issued under section 191 is likely, if left in the place where it is found, to be removed by force, the officer executing the warrant may take it to the municipal office or to any place appointed by the Corporation.

Distresses to be proportionate to sum distrained for.

196. The amount of property seized in any distress made under this Act shall not be disproportionate to the amount of the arrears due.

Sale and disposal of proceeds.

197. (*1*) If a warrant of distress issued under section 191 is not in the meantime suspended by the Corporation or discharged, the movable property seized thereunder shall, after the expiry of the period mentioned in the notice served under section 194, be sold by order of the Corporation.

(*2*) All sales of property under this section shall, so far as may be practicable, be regulated by the procedure for the time being in force in the Court of Small Causes of Calcutta with respect to sale after distress.

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 198, 199.)

(*3*) No municipal officer or servant shall directly or indirectly purchase any property at any such sale.

(*4*) The Corporation shall apply the proceeds of every such sale, or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(*5*) The surplus (if any) of such proceeds shall be forthwith credited to the Municipal Fund; but, if the same be claimed by written application to the Corporation within three years from the date of the sale, a refund thereof shall be made to the person who was in possession of the movable property at the time of its seizure.

(*6*) Any such surplus not so claimed shall be the property of the Corporation.

Power to Corporation to issue fresh warrant when sale-proceeds insufficient.

198. (*1*) If the proceeds of any sale under section 197 are not sufficient to cover the sum due, together with the costs of recovery, the Corporation may issue a fresh warrant of distress in the form in Schedule XI, or in a form to the like effect, for the recovery of the balance due and for all additional costs thereof.

(*2*) The provisions of sections 191 to 197, inclusive, shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (*1*).

Recovery of owner's share of rate from occupier, or his sub-tenants, and deduction of amount from rent.

199. (*1*) If the sum due from the owner of any land or building on account of the consolidated rate remains unpaid after notice of demand has been duly served upon him the Corporation may cause a notice of demand to be served upon the occupier of such land or building, or upon any of his sub-tenants for the time being thereof.

(*2*) If such occupier or any of such sub-tenants fails within fifteen days from the service of such notice to pay the amount therein demanded, the said amount may be recovered from him by distress and sale under the provisions of this chapter.

(*3*) No arrears of the owner's share of the consolidated rate shall be recovered from any occupier or sub-tenant under this section if it has remained due for more than one year or if it is due on account of any period during which such occupier or sub-tenant was not in occupation of the land or building in respect of which the rate is due.

(*4*) If any sum is paid by or recovered from any occupier or sub-tenant of any land or building under this section, he shall be entitled to deduct the same from

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 200—202.)

the rent payable by him in respect of such land or building for the period for which the arrear of consolidated rate was due, or for any subsequent period.

Liability of purchaser for vendor's share of consolidated rate.

200. The purchaser of—

(*a*) any land or building, or,

(*b*) any share, divided or undivided, in any land or building,

in respect of which any sum is due at the time of purchase on account of the owner's share of the consolidated rate, shall be liable for the said sum:

Provided that such purchaser shall not be liable for any sum so due for any period exceeding one year prior to the date of the purchase.

Execution of distress warrant outside Calcutta.

201. (*1*) When a warrant of distress has been issued against any person under section 191 or section 198—

(*a*) if no sufficient movable property belonging to the said person can be found in Calcutta, or,

(*b*) when the said person is the occupier of premises in respect of which the consolidated rate is due, if no sufficient movable property can be found on such premises,

the Corporation may issue a warrant, to any Magistrate in Bengal without Calcutta, for the distress and sale of any movable property belonging to the said person within the jurisdiction of such Magistrate.

(*2*) Any Magistrate to whom a warrant is so issued shall—

(*i*) endorse the same and cause it to be executed, and

(*ii*) remit the proceeds of the sale under such warrant to the Corporation.

(*3*) Such proceeds shall be dealt with under the provisions of section 197.

Distraint not unlawful for want of form.

202. No distress levied under this Act shall be deemed unlawful nor shall any person making the same be deemed a trespasser, on account of—

(*a*) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or

(Part IV.—Chapter XVI.—Recovery of the consolidated rate and other taxes.—Sections 203—206.)

(*b*) any irregularity committed by the said person:

Provided that any person aggrieved by such defect or irregularity may recover, in any Court of competent jurisdiction, full satisfaction for any special damage sustained by him.

203. (*1*) If the Corporation at any time have reason to believe that any person from whom any sum is due on account of the consolidated rate is about forthwith to remove from Calcutta, the Corporation may direct the immediate payment by such person of the sum so due and cause a bill for the same to be presented to him.

Power to Corporation to take summary proceedings against persons about to leave Calcutta.

(*2*) If, on presentation of such bill, the said person does not forthwith pay the sum due by him, the amount shall be leviable by distress and sale under the provisions of this chapter:

Provided that—

(*a*) it shall not be necessary to serve upon the said person any notice of demand, and

(*b*) the warrant of distress may be issued and executed without any delay.

204. It shall be competent to the Corporation instead of proceeding against a defaulter by distress and sale under the provisions of this chapter, or after a defaulter has been so proceeded against unsuccessfully or with only partial success, to recover from him by suit, in any Court of competent jurisdiction, any sum due, or the balance of any sum due, as the case may be, on account of the consolidated rate, together with all costs.

Power to Corporation to sue for arrears.

205. The consolidated rate due from any person in respect of any land or building shall, subject to the prior payment of the land-revenue (if any) due to the Government thereupon, be a first charge upon the said land or building and upon the movable property (if any) found within or upon such land or building and belonging to the said person.

The consolidated rate to be a first charge on premises.

Other taxes.

206. (*1*) When any sum is due from any person on account of—

Power to Corporation to prosecute or serve notice of demand.

(*a*) the tax on carriages and animals,

(*b*) the tax on professions, trades and callings, or

(*c*) the scavenging-tax,

the Corporation may either prosecute such person under section 492 or cause to be served on him a notice of demand in the form in Schedule X or in a form to the like effect.

(*2*) The provisions of section 190, sub-section (*2*), section 192 and clause (*a*) of section 202 shall, with all necessary modifications, be deemed to apply to every such notice of demand.

Election by defaulter to pay or to appear before Magistrate or Corporation.

207. Within seven days after the service on any person of a notice of demand under section 206, such person may—

(*a*) pay the sum demanded together with any fee imposed under section 190, sub-section (*2*), or

(*b*) send a letter to the Corporation enclosing the sum demanded and electing to be prosecuted under section 492, or

(*c*) appear before the Corporation personally or by agent, and contest the demand.

Procedure by Corporation after election by defaulter under section 207.

208. (*1*) If any person adopts the procedure provided by clause (*b*) of section 207, he shall be prosecuted as therein mentioned,

and the sum deposited under that clause shall be deducted from the amount of any fine imposed under section 492.

(*2*) If he contests the demand in pursuance of clause (*c*) of section 207, the decision of the Corporation, after hearing anything that may be urged by him or on his behalf, shall be final,

and if the Corporation find that the whole amount of the demand is due, they may, by way of penalty for previous failure to pay such amount, increase the same by any sum not exceeding fifty *per cent.* thereof.

Power to Corporation to increase penalty where defaulter does not appear before Magistrate or Corporation.

209. If, within seven days after the service on any person of a notice of demand under section 206, the said person has not taken any of the courses permitted by section 207, the Corporation may, by way of penalty for previous failure to pay the amount due, increase the same by any sum not exceeding fifty *per cent.* thereof.

Distraint.

210. (*1*) If, in any case referred to in section 208, sub-section (*2*), or section 209, the amount of the demand, together with the amount of any penalty imposed thereunder, be not forthwith paid by the person liable to pay the same,

such amount may, with all costs of recovery, be recovered under a warrant in the form in Schedule XI, or in a form to the like effect, by distress and sale of the movable property of such person.

(2) The provisions of sections 191 to 198 and sections 201 to 203, inclusive, shall, with all necessary modifications, be deemed to apply whenever a warrant is issued under sub-section (1).

Power to Corporation to seize hawker's goods.

211. (1) Notwithstanding anything contained in section 210, if any person included under class VIII, number 81, or class IX, number 83, in Schedule VI fails to take out a license under section 175, the Corporation may cause the goods, which such person is hawking for sale, to be seized.

(2) Any goods so seized shall be dealt with under the provisions of this chapter, as property distrained under section 191.

Supplemental provisions.

Taxes not invalid for defect of form.

212. (1) No assessment and no charge or demand of the consolidated rate or any other tax made under this Act shall be called in question or in any way affected by reason of—

(a) any mistake—

(i) in the name, residence, place of business or occupation of any person liable to pay the tax, or

(ii) in the description of any property or thing liable to the tax, or

(iii) in the amount of assessment of tax, or

(b) any clerical error; or

(c) any other defect of form.

(2) It shall suffice in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known,

and it shall not be necessary to name the owner or occupier thereof.

Cancellation of irrecoverable dues.

213. The Corporation may order to be struck off the books any sum due on account of the consolidated rate or any other tax or any other account, which may appear to them to be irrecoverable.

PART V.

The Public Health, Safety and Convenience.

CHAPTER XVII.

WATER-SUPPLY.

Proprietary rights of the Corporation.

Public water-works, etc., vested in the Corporation.

214. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, taps and other water-works, whether made, laid or erected at the cost of the Municipal Fund, or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in the Corporation.

General duties of the Corporation in respect of the supply of water.

Corporation to provide supply of filtered and unfiltered water.

215. (*1*) The Corporation shall provide—

(*a*) a supply of filtered water in all parts of Calcutta, and

(*b*) a supply of unfiltered water—

(*i*) in those parts of Calcutta in which such water is provided at the commencement of this Act, and

(*ii*) in such other parts of Calcutta as they may think fit.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Corporation may discontinue the supply of unfiltered water in any part of Calcutta:

Provided that where the supply of unfiltered water is so discontinued—

(*a*) filtered water may be used for non-domestic purposes and for the purposes mentioned in section 221, and

(*b*) a sufficient quantity of filtered water shall, subject to the provisions of section 223, be supplied for all such purposes, in lieu of the unfiltered water discontinued as aforesaid.

(Part V.—Chapter XVII.—Water-supply.—Sections 216—220.)

216. (*1*) The Corporation shall erect sufficient and convenient bathing platforms and public stand-posts for the supply, free of charge, of filtered water for bathing and other domestic purposes. **Bathing platforms and public stand-posts.**

(*2*) All such bathing platforms and stand-posts shall be supplied with a sufficient quantity of filtered water.

217. On all distribution pipes in the unfiltered water system and, if the Corporation so direct, also in the filtered water system, suitable hydrants shall be provided for street-watering, fire-extinguishing, washing down hackney-carriage stands, and flushing street-gullies, together with such sluices, branches and appliances as may be necessary for the efficient flushing of the municipal drains. **Hydrants, etc., for street-watering, etc.**

218. The pressure of the supply of filtered water in the municipal mains in Calcutta shall continuously be not less than forty feet; **Pressure of supply.**

and the pressure of the supply of unfiltered water shall likewise be not less than forty feet, except during those hours when the pressure is locally reduced by street-watering, drain-flushing or extinguishing fire:

Provided that the Corporation, by a resolution in favour of which not less than two-thirds of the Councillors and Aldermen present and voting have voted, may authorize a lower pressure in any case where, owing to causes over which the Corporation have no control, or by reason of other circumstances, it is impracticable to secure a pressure of forty feet.

219. It shall be the duty of the Corporation to test the purity of the supply of filtered water once every week. **Testing of purity of filtered water.**

Use of water.

220. (*1*) Subject to the provisions of sections 215, sub-section (*2*), and 230 filtered water shall be supplied for domestic purposes only. **Use of filtered water.**

(*2*) No person shall, without the written permission of the Corporation, use for other than domestic purposes filtered water supplied under this chapter for domestic purposes:

Provided that, in case of emergency, filtered water may be used for extinguishing fire.

(Part V.—Chapter XVII.—Water-supply.—Sections 221—223.)

Use of unfiltered water.

221. (*1*) Unfiltered water shall be used for public purposes, such as—

(*a*) street-watering,

(*b*) flushing of municipal drains, public privies and urinals, gully pits and hackney-carriage stands, and

(*c*) extinguishing fire;

and shall also be used for such other purposes as the Corporation may direct.

(*2*) Unfiltered water may also be used, free of charge,—

(*i*) for flushing privies and urinals on private premises connected with the sewers, and

(*ii*) for flushing drains on private premises and for cleansing stables, cattle-sheds and cow-houses occupied by animals which are not kept for profit or hire.

(*3*) Unfiltered water shall not be used for domestic purposes.

Supply of filtered water for purposes other than domestic purposes.

222. A supply of filtered water for purposes other than domestic purposes shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may think fit.

Private supply of water to premises.

Right of occupier of connected premises to receive water in consideration of payment of the consolidated rate.

223. The occupier of any premises connected with the municipal water-supply shall be entitled to have, free of further charge, not more than fifteen hundred gallons of filtered water for every rupee paid to the Corporation as the consolidated rate on account of such premises, together with a sufficient supply of unfiltered water for flushing privies, urinals and drains within the premises and for cleansing stables, cattle-sheds and cow-houses within the premises which are occupied by animals not kept for profit or hire:

Provided that—

(*a*) in no masonry building directly connected with the municipal water-supply shall the free allowance of filtered water be less than

(Part V.—Chapter XVII.—Water-supply.—Sections 224—226.)

twenty-five, or more than fifty gallons per head per day, calculated upon the ordinary number of inmates of the building, as determined by the Corporation; and

(*b*) if, under the provisions of this chapter, the Corporation at any time permanently discontinue the unfiltered water-supply, the Corporation may fix such larger free allowance of filtered water per day, in lieu of the supply of unfiltered water, as they may think fit.

224. Subject to such conditions as they may from time to time impose, the Corporation may allow any person occupying any premises to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises a supply of filtered and unfiltered water for use therein under the provisions of this chapter.

Power to Corporation to allow occupier of premises to lay down service-pipes.

225. (*1*) Any occupier of a masonry building who holds the same direct from the owner may, by written notice signed by him, require the owner to provide all such necessary works as may be required for bringing into the premises within which such building is situate a sufficient supply of filtered water for domestic purposes and a sufficient supply of unfiltered water for the purposes specified in section 221, sub-section (*2*).

Requisition by occupier of masonry building or owner to provide works for supply of water.

(*2*) Every such notice shall contain an undertaking on the part of the occupier—

(*a*) to pay, during the residue of his term of occupation, interest at the rate of one *per cent. per mensem*, calculated from the date of the completion of the works, on the cost of all works so provided by such owner, and,

(*b*) if the premises do not abut upon some street in which there is a supply-main, to pay the cost of connecting the premises with the nearest supply-main.

226. If any owner upon whom a notice has been served under section 225 does not, within one month from such service, cause all necessary works, as required by the said notice, to be provided or completed, the occupier who gave the notice may cause the works to be provided or completed,

Provision or completion of works by occupier in default of owner, and deduction of expenses from rent.

and may deduct from the rent payable by him to such owner the expenses incurred by him in respect of such works, except so much of such expenses as may have been incurred under the circumstances mentioned in clause (*b*) of sub-section (*2*) of section 225.

Arbitration in case of difference between owner and occupier.

227. (*1*) If there is any difference between the owner and the occupier of any premises respecting the cost or the sufficiency of the water-supply thereof, either party may refer such difference to the Corporation, and the written award of the Corporation shall be binding on such owner and occupier.

(*2*) There shall be payable to the Corporation, by the person making a reference under sub-section (*1*), a fee at the rate of two rupees for every one hundred rupees of the monthly rent of the said premises:

Provided that such fee shall in no case exceed ten rupees.

Power to Corporation to direct owner to obtain sufficient supply of water from nearest main.

228. Whenever it appears to the Corporation that any premises are without a sufficient supply of water, and that such a supply of water can be furnished from a main not more than [1][two hundred feet] distant from the nearest part of such premises, the Corporation may, by written notice, require the owner to obtain such supply and for that purpose to lay down such pipes, hydrants, stand-posts and other fittings and execute all such other works as the Corporation may direct:

Provided that—

(*a*) in any case in which the owner satisfies the Corporation that he is too poor to bear the cost of the said works, the Corporation may pay the whole or any part of such cost from the Municipal Fund; and

(*b*) if any premises in respect of which any notice is issued under this section are occupied by a person other than the owner, the occupier shall be bound, if the Corporation so direct, to make to the owner, in respect of all works executed in pursuance of such notice, the payments prescribed by clause (*a*), or clauses (*a*) and (*b*), as the case may be, of sub-section (*2*) of section 225.

[1]The words "two hundred feet" were substituted for the words "one hundred feet" by s. 2 of the Calcutta Municipal (Amendment Act, 1935 (Ben. Act XV of 1935).

(Part V.—Chapter XVII.—Water-supply.—Sections 229—231.)

Water-supply not to be directly connected to huts.

229. Notwithstanding anything contained in this chapter, the municipal water-supply shall not be directly connected to any hut, but a sufficient supply of unfiltered water shall be provided for the flushing of any connected-privy attached to a hut:

Provided that the Corporation may supply a direct filtered water connection to a hut on such conditions as they may impose and subject to such rules as may be made by them in this behalf.

Power to Corporation to sell water for other than domestic purposes.

230. (*1*) The Corporation may, in their discretion and subject to such conditions as they may from time to time impose, supply filtered or unfiltered water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed:

Provided that where, in the opinion of the Corporation, the supply of unfiltered water might possibly lead to contamination, only filtered water shall be supplied—

(*a*) for use by persons who manufacture articles for consumption by human beings, or

(*b*) for cow-houses where cows are kept for the purpose of supplying milk for sale.

(*2*) For all water supplied under sub-section (*1*), payment shall be made at such rate as may be prescribed by the Corporation.

(*3*) When any application under sub-section (*1*) is received, the Corporation may, subject to such charges or rates as may have been fixed by them, place, or allow to be placed, the necessary service-pipes, taps and works (including water-meters) of such dimensions and character as may be prescribed by them, and may arrange for the supply of water through such pipes, taps, works and meters.

Supply of water to ships.

Supply of filtered water to ships.

231. (*1*) Filtered water from public stand-posts may be used, free of charge, for domestic purposes on ships for the time being lying in the Port of Calcutta.

(*2*) The Corporation shall, on demand, supply every ship leaving the Port of Calcutta with a reasonable supply of filtered water for use on the voyage, at such price, not exceeding five rupees for every thousand gallons, as the Corporation may determine.

(Part V.—Chapter XVII.—Water-supply.—Sections 232—235.)

Private connections of premises to the water-supply and maintenance thereof.

Ruels as to private connections to premises.

232. All private connections of premises to the municipal mains for the supply of water therein, and all pipes, taps and other fittings used for such supply, shall be made, maintained and regulated in accordance with, and subject to, the rules contained in Schedule XIV.

Owner to keep works in repairs.

233. Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expense of keeping all works connected with the supply of water thereto in substantial repair; and, if he fails to do so, the occupier may, after giving the owner three days' notice in writing, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to the owner in respect of such premises:

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made before the first day of April, 1889.

Power to Corporation to take charge of private connections.

234. The Corporation may, if they think fit, take charge of all communication-pipes and fittings of any existing private service connected with the municipal water-supply up to and including the stop-cock nearest the supply-main for the said service, and such communication-pipes and fittings shall thereafter vest in, and be maintained at the expense of, the Corporation as part of the municipal water-works.

Regulation of consumption of water, and provision of meters.

Powor of Corporation to establish block meters for the supply of filtered water.

235. (*1*) The Corporation may establish for any area in Calcutta such blocks as they may think fit in order to regulate the supply and consumption of filtered water, and shall cause each such block to be provided with a meter through which the whole supply of filtered water for such block shall pass and be recorded.

(*2*) Such meters shall be read at such intervals as may from time to time be fixed by the Corporation, and the quantity indicated by any such meter as supplied shall be presumed to be correct until the contrary is proved.

(Part V.—Chapter XVII.—Water-supply.—Section 236.)

(*3*) The Corporation shall from time to time determine the supply of filtered water to which any block shall be entitled, having regard to the provisions of section 223 and to the amount of the consolidated rate payable for such block, and making the allowance for water used at street stand-posts and public bathing platforms, and for loss through leakage or otherwise, as they may deem just and fair.

(*4*) If the Corporation are satisfied that in any block the quantity of filtered water consumed is in excess of the quantity to the supply of which such block is entitled, they shall cause a warning notice to be served on the occupiers of all premises in the block. If, after the service of such notice, such excess consumption still continues, the excess quantity shall be charged for from the quarter following that in which the notice was served and shall be recoverable from the occupiers of all such premises in such block as are connected with the filtered water-supply, and the occupier of each such premises shall be liable to pay a share of the cost of such excess calculated on the proportion of the amount of the consolidated rate payable in respect of the said premises to the total amount of the consolidated rate payable by persons who are liable to pay the cost of the excess:

Provided that any occupier of any such premises who has provided a separate meter attached to the service-pipe thereof, shall not be liable to pay any proportionate share as aforesaid, but shall pay for any excess, which such meter shows to have been supplied to him in accordance with the provisions of section 238:

Provided also that, on a representation from any ten persons within the block who are held liable for the cost of such excess, the Corporation shall forthwith take into consideration the question of affixing a meter under the provisions of section 237 to the service-pipe attached to any premises within the block, the occupier of which premises is alleged or is suspected by such persons to be wasting filtered water.

Prevention of waste of filtered water in premises.

236. (*1*) Whenever the Corporation have reason to believe that, as the result of defects in pipes, taps or fittings connected with the water-supply, the filtered water-supply to any premises is being wasted, they may, by written notice, require the owner and occupier of the premises, within a period of four days after service of the notice, to repair and make good any defects in the pipes, taps or fittings connected with the water-supply, so as to put a stop to such waste.

(Part V.—Chapter XVII.—Water-supply.—Sections 237, 238.)

(2) If, after the expiration of the said period of four days, the Corporation have reason to believe that waste still continues, they may cut off the supply of filtered water to the said premises.

Power to Corporation to provide water-meters.

237. (1) The Corporation may in their discretion, provide a water-meter and attach the same to the service-pipe of any premises connected with the municipal filtered water-supply.

(2) The expense of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

Payment by occupier for filtered water supplied in excess of statutory allowance.

238. (1) When a meter has been attached to any premises, all filtered water which is shown thereby to have been supplied in excess of the free allowance to which the occupier is entitled under section 223 shall be paid for by him at the rate of one rupee for every three thousand gallons.

(2) The Corporation may cause the meter to be read at any time during each quarter, but as nearly as practicable at intervals of three months:

Provided that if, during any quarter, the assessment of such premises is altered, the said free allowance shall be calculated on the consolidated rate payable on the assessment as altered.

(3) If such premises are ordinarily occupied by two or more persons holding in severalty, the owner shall be liable for water supplied in excess as prescribed by sub-section (1); but such owner shall be entitled to recover rateably from the several occupiers, according to the rent paid by each, any amount so paid.

(4) Every incoming or outgoing occupier of any metered premises shall, at least three clear days before entering into the occupation of or vacating such premises, as the case may be, cause a written notice to be served upon the Corporation, stating the date on which he intends to occupy or vacate the premises and requiring the Executive Officer to cause the meter to be read for the determination of the liability, if any, for any excess consumption of filtered water on the date of such occupation or the date of such vacation of the premises, as the case may be.

(5) Upon receipt of such notice the Executive Officer shall cause the meter to be read and furnish such occupier with a statement of such meter reading.

(6) The outgoing occupier shall ordinarily be liable to pay for any excess supplied up to the date of his vacating the premises;

and the incoming occupier's liability for any excess consumption of filtered water shall ordinarily accrue from the commencement of his occupation:

Provided that where no written notice is delivered to the Corporation under sub-section (4), the Corporation shall be entitled to realise from such incoming occupier the full proportionate amount of the charges for excess water consumed, on the basis of the next quarterly or other reading of the meter made after the occupation of the incoming occupier, or such less amount as the Corporation may think fit, regard being had to the number of days in any quarter during which the premises were occupied by such incoming occupier, the number of inmates during that period and the amount of free allowance to which such occupier may be entitled under section 223.

239. Whenever water is supplied under this chapter through a meter, it shall be presumed that the quantity indicated by the meter has been consumed, until the contrary is proved. Presumption as to correctness of meters.

240. The use, maintenance and testing of meters provided under this chapter, and the calculation of the amount payable under section 238 in case of the incorrectness of any such meter, shall be in accordance with, and subject to, the rules contained in Schedule XIV. Rules as to meters.

241. (1) If it be shown that an offence against any provision of this chapter, or against any rule or by-law made under this Act relating to water-supply, has occurred in any premises connected with the municipal water-supply, it shall, subject to the provisions of sub-section (2), be presumed, unless and until the contrary is proved, that such offence has been committed by the occupier of the said premises. Occupier of premises to be primarily liable for certain offences relating to water-supply.

(2) The existence of artificial means for—

(a) altering the index to any meter provided under this chapter for measuring filtered water, or

(b) preventing any such meter from duly registering the quantity of water supplied, or

(c) abstracting or using water before it has been registered by such meter,

shall, where the meter is under the custody or control of the consumer of such water, be *prima facie* evidence that the consumer has fraudulently caused such alteration, prevention, abstraction or use,

(Part V.—Chapter XVII.—Water-supply.—Section 242.)

Supply of water for use beyond Calcutta.

Supply of filtered water to adjacent municipalities and cantonments.

242. (*1*) The Corporation may at any time, on receiving an application from the municipality or cantonment concerned, direct that such quantity of filtered water *per diem* as may be determined by the Corporation shall be delivered into reservoirs or pipes placed in—

(*a*) any of the following municipalities or cantonments, namely:—

Municipalities:

Baranagar,
[1]Garden Reach,
Garulia,
Kamarhati,
North Barrackpur,
North Dum-Dum,
Panihati,
Khardah,
South Dum-Dum,
South Suburban,
Titaghar,
Tollyganj;

Cantonments:

Barrackpur,
Dum-Dum, or

(*b*) any municipality which is hereafter formed by subdividing any municipality mentioned in clause (*a*), or by uniting into one municipality any of the municipalities mentioned in that clause;

and that for all water so delivered payment shall be made at such rate, not being less than the cost (including loan charges, allowance for depreciation of plant and other charges) to the Corporation, as may from time to time be determined by the Corporation.

(*2*) An appeal shall lie to the [2][Provincial Government] from any refusal by the Corporation to give a direction under sub-section (*1*), or from any direction given by the Corporation under this sub-section.

(*3*) Before deciding any such appeal, the [2][Provincial Government] shall consider any representation made by the Corporation with reference thereto.

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[1]The words "Garden Reach" were inserted by item No. 5 of the Schedule to the Garden Reach Municipality Act, 1932 (Ben. Act III of 1932).

[2]*See* footnote 1 on p. 2, *ante*.

(*4*) No order made on any such appeal shall direct the delivery of water at a lower rate of payment than the cost to the Corporation.

(*5*) Every order made by the [1][Provincial Government] on any such appeal shall be final.

243. (*1*) The Corporation may, in their discretion, allow any person not residing in Calcutta to take or be supplied with water on such terms as they may from time to time prescribe. Supply of water to persons residing out of Calcutta or for use without Calcutta.

(*2*) No person shall, without the written permission of the Corporation, take or cause to be taken for use without Calcutta water supplied under this chapter:

Provided that this sub-section shall not apply to water taken by travellers for use on a journey.

Supplemental provisions.

244. The Corporation shall have the same powers and be subject to the same restrictions for carrying water-mains in or without Calcutta as they have and are subject to for carrying drains in or without Calcutta. General powers of the Corporation in regard to water-mains.

245. (*1*) Notwithstanding anything contained in this chapter, the Corporation may cut off the connection between any water-works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely:— Power to Corporation to cut off or turn off supply of water to premises.

(*a*) if the premises are unoccupied;

(*b*) if, after receipt of a written notice from the Corporation requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any rule or by-law made thereunder;

(*c*) if the occupier of the premises contravenes section 220, sub-section (*2*), or section 243, sub-section (*2*);

(*d*) if the occupier refuses to admit any municipal officer or servant duly authorized in that behalf into the premises for the purpose of making any inspection under this chapter or under any rule or by-law relating to water-supply made under this Act, or prevents such municipal officer or servant from making such inspection;

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[1]*See* footnote 1 on p. 2, *ante*.

(e) if the owner or occupier of the premises willfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation;

(f) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Corporation, to be out of repair to such an extent as to cause so serious a waste of water that, in the opinion of the Executive Officer, immediate prevention is necessary;

(g) if the use of the premises for human habitation has been prohibited under section 381, from the date from which the premises are to be vacated under the order of the Magistrate;

(h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or

(i) if by reason of a leak in the service pipe or fitting, damage is caused to the public street and immediate prevention is necessary:

Provided as follows:—

(i) water supplied for flushing privies or urinals shall not be cut off or turned off;

(ii) water shall not be cut off or turned off in any case referred to in clause (g), unless written notice of not less than forty-eight hours has been given to the occupier of the premises.

(2) The expense of cutting off the connection or of turning off the water and of restoring the same, as determined by the Corporation in any case referred to in sub-section (1), shall be paid, in the case of a *bustee*, by the owner of the premises, and in any other case by the owner or occupier of the premises:

Provided that no charge for such expense shall be made in the cases mentioned in clause (a) and clause (g) of the said sub-section.

(3) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

(Part V.—Chapter XVII.—Water-supply.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 246—249.)

Filling up wells when water supplied.

246. Whenever a supply of filtered and unfiltered water has been provided in any street, the Corporation may, by written notice, require the owner of any well situated in premises which are supplied from the mains to fill it up with suitable materials.

Laying of pipes or construction of aqueducts beyond Calcutta for bringing water into Calcutta.

247. (*1*) When a plan for laying pipes or constructing aqueducts for bringing water into Calcutta from any place without Calcutta has been approved by the [1][Provincial Government], the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta through which such pipes or aqueducts are to run, all the powers which they might exercise under this Act or under any rule or by-law made thereunder if the said pipes or aqueducts were to run in Calcutta.

(*2*) The Magistrate of any district without Calcutta through which the said pipes or aqueducts are to run may exercise, in respect of such work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation in Calcutta.

CHAPTER XVIII.

Drains, privies and other receptacles for filth.

Proprietary rights of the Corporation in respect of drains.

Public drains, and drains in, alongside or under public streets, to vest in Corporation.

248. (*1*) All public drains, and all drains in, alongside or under any public street, whether made at the charge of the Municipal Fund or otherwise, and all works, materials and things appertaining thereto shall vest in the Corporation.

(*2*) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain so much of the sub-soil appertaining to the drain as may be necessary for the said purposes shall also be deemed to vest in the Corporation.

Drains, etc., constructed, etc., at charge of Municipal Fund on private premises to vest in Corporation.

249. All drains and ventilation-shafts, pipes and other appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the Municipal Fund in or upon premises not belonging to the Corporation, whether—

(*a*) before or after the commencement of this Act, and

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[1]*See footnote 1 on p. 2, ante.*

(*b*) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or do at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

Duties of the Corporation in respect of maintenance and construction of drains.

Repair and provision of municipal drains by Corporation.

250. The Corporation shall keep all municipal drains in repair, and shall cause to be made such drains as may be necessary for effectually draining Calcutta.

Provision by Corporation for outfall for discharge of storm-water and sewage.

251. (*1*) The Corporation shall provide a safe and sufficient outfall, in or without Calcutta, for the proper discharge of the storm-water and sewage of Calcutta in such manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall or in any other way.

(*2*) The plans of such outfall and the method of disposing of sewage shall be subject to the sanction of the [1][Provincial Government], who may from time to time direct such alterations to be made as they may consider necessary.

(*3*) If the outfall deteriorates, by the decay of existing river channels or otherwise, the [1][Provincial Government] may require such order to be taken, and such additions or alterations to be made to or in the outfall works at the charge of the Municipal Fund, as they may consider necessary to ensure a safe and sufficient outfall.

Municipal drains.

Power to Corporation to improve, discontinue, etc., municipal drains, etc.

252. (*1*) The Corporation may—

(*a*) enlarge, arch over, or otherwise improve any municipal drain, or

(*b*) discontinue, close up or destroy any municipal drain which has, in their opinion, become useless or unnecessary, or

(*c*) carry any municipal drain—

(*i*) through, across or under any street or any place laid out as, or intended for, a street, and

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[1]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Section 253.)

(*ii*) (after giving reasonable notice in writing to the owner and occupier) into, through or under any land whatsoever or under any building.

in Calcutta or, for the purpose of outfall or distribution of sewage, without Calcutta, or

(*d*) construct any new municipal drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or

(*e*) repair or alter any municipal drain so constructed:

Provided that—

(*i*) if, in the exercise of any of the powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain; and

(*ii*) if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Corporation shall, as soon as practicable, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

(*2*) In the exercise of any power conferred by this section, the Corporation shall create the least practicable nuisance and do as little damage as may be, and shall pay compensation to any person who sustains damage by the exercise of such power.

Private streets, etc., not to be constructed over municipal drain without permission.

253. (*1*) Without the written permission of the Corporation—

(*a*) no private street shall be constructed, and

(*b*) no wall or other structure shall be newly erected over any municipal drain.

(*2*) If any private street be so constructed, or if any wall or other structure be so erected, without such permission, the Corporation may remove or otherwise deal with the same as they may think fit,

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner of such private street, wall or other structure, or by the person offending.

Communication of drain under control of local authority beyond Calcutta with municipal drain.

254. (1) Any local authority without Calcutta may cause any drain under its control to communicate with any municipal drain, on such terms and conditions as may be agreed on between such local authority and the Corporation.

(2) If in any case terms and conditions cannot be agreed upon under sub-section (1), such local authority shall refer the matter to the [1][Provincial Government], whose decision shall be final.

Communication of municipal drains with drains, lakes, etc., beyond Calcutta.

255. (1) When a plan for making municipal drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course without Calcutta has been approved by the [1][Provincial Government], the Corporation may, in the execution and for the purposes of the work, exercise, throughout the line of country without Calcutta, through which the said drains are to run, all the powers which they might exercise under this Act if the said drains were to run entirely in Calcutta.

(2) The Magistrate of any district without Calcutta, through which the said drains are to run, may exercise, in respect of the said work, the same powers and jurisdiction as a Magistrate may, under this Act, exercise in respect of any work executed by the Corporation entirely in Calcutta.

Drainage of premises.

Right of owner or occupier of premises to empty his house-drain into municipal drain.

256. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into a municipal drain, provided that, before doing so, he—

(a) obtains the written permission of the Corporation in accordance with the provisions of Schedule XV, and

(b) complies with such conditions as the Corporation may prescribe as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connections with municipal drains not to be made except in conformity with section 256.

257. (1) No person shall, without complying with the provisions of section 256, make, or cause to be made, any connection of a house-drain with a municipal drain.

(2) The Corporation may close, demolish, alter or re-make any such connection made in contravention of sub-section (1);

[1]See footnote 1 on p. 2, ante.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 258, 259.)

and the expenses incurred in so doing shall, in the discretion of the Corporation, be paid by the owner or occupier of the premises for the benefit of which such connection was made, or by the person offending.

258. When a house-drain belonging to one or more persons has been laid in any private street which is common to more than one premises, and the Corporation consider it desirable that any other premises should be drained into such drain, **Compulsory connection of house-drains with each other.**

they may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain;

and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made—

(*a*) except upon such terms as may be prescribed by the Corporation, and

(*b*) until any payment which may be directed by the Corporation has been duly made.

259. (*1*) If it appears to the Corporation that any group or block of premises may be drained more economically or advantageously in combination than separately, **Power to Corporation to drain group or block of premises by a combined operation.**

and a municipal sewer of sufficient size already exists or is about to be constructed, within one hundred feet of any part of such group or block of premises,

the Corporation may cause such group or block of premises to be drained by a combined operation.

(*2*) The expenses incurred in carrying out any work under sub-section (*1*) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Corporation may think fit.

(*3*) Not less than fifteen days before any such work is commenced, the Corporation shall give to each such owner—

(*a*) written notice of the nature of the proposed work, and

(*b*) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 260, 261.)

Power to Corporation to enforce drainage of undrained premises situate within one hundred feet of a municipal drain.

260. When any premises are, in the opinion of the Corporation, without sufficient means of effectual drainage, and a municipal drain or some place approved by them for the discharge of drainage is situated at a distance not exceeding one hundred feet from any part of the said premises, they may, by written notice, require the owner of the said premises—

(*a*) to make a house-drain emptying into such municipal drain or place;

(*b*) to provide and set up all such appliances and fittings as may appear to the Corporation necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such house-drain and every fixture connected therewith; or

(*c*) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Power to Corporation to enforce drainage of undrained premises in other cases.

261. When in any case not provided for in section 260 any premises are, in the opinion of the Corporation, without sufficient means of effectual drainage, they may, by written notice, require the owner of such premises to make a house-drain communicating with the nearest municipal drain:

Provided as follows—

(*a*) the cost of constructing that portion of the house-drain so made, which is situate more than one hundred feet from the said premises, shall be paid out of the Municipal Fund; and

(*b*) if, in the opinion of the Corporation, there is no municipal drain within a reasonable distance of such premises, they may, by written notice, require the owner of the premises to construct—

(*i*) a closed cesspool of such material, size and description, and in such position, as they may prescribe, and

(*ii*) a house-drain communicating with such closed cesspool.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 262, 263.)

262. When a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable, but is not, in the opinion of the Corporation, adapted to the general drainage system of Calcutta, they may, by written notice addressed to the owner of the premises, direct—

Power to Corporation to close or limit the use of house-drain in certain cases.

(*a*) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(*b*) that such house-drain shall, from such date as they prescribe in this behalf, be used for sewage, offensive matter and polluted water only or for rain-water and unpolluted sub-soil water only:

Provided as follows:—

(*i*) no house-drain may be closed, discontinued or destroyed by the Corporation under clause (*a*) except on condition of their providing another house-drain equally effectual for the drainage of the premises and communicating with any municipal drain which they think fit; and

(*ii*) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (*a*) may be paid out of the Municipal Fund.

263. (*1*) Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, the Corporation may, by written notice, require the owner to construct—

Power to Corporation to require that sewage and rain-water drains be distinct in any premises.

(*a*) one house-drain for sewage, offensive matter and polluted water, and

(*b*) another and entirely separate house-drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water,

each emptying into separate municipal drains or other suitable places.

(*2*) Any requisition made by the Corporation under sub-section (*1*) may comprise any detail specified in clause (*b*) of section 260.

(*Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 264—267.*)

Power to Corporation to require paving, maintaining and raising level of court-yard, etc.

264. For the purpose of efficiently draining any land or building, the Corporation may, by written notice, require the owner of any court-yard, alley, passage or open space—

(*a*) to pave the same with such material and in such manner as may be approved of by the Corporation, and to keep such paving in proper repair, or

(*b*) to raise the level of such court-yard, alley, passage or open space.

Drains for huts.

265. (*1*) The Corporation may prescribe such drains for the drainage of huts as the circumstances of the locality and the position of the nearest municipal drain may render practicable.

(*2*) If the Corporation concider that a new drain should be constructed for the benefit of the occupants of any hut, they may, by written notice, require the owner of the land on which such hut stands to construct such drain;

and such owner shall construct such drain, and shall maintain and from time to time cleanse and repair it, to the satisfaction of the Corporation.

(*3*) The powers conferred by this section shall be deemed to be in addition to, and not in derogation of, the powers conferred by section 260 and section 261.

Rules as to drains.

266. Drains shall be constructed, maintained, repaired, altered and regulated in accordance with—

(*a*) the rules contained in Schedule XV and the by-laws made under this Act relating to drains, and

(*b*) requisitions made under such rules and by-laws.

Privies, urinals and bathing and washing places.

Power to Corporation to provide and maintain public privies and urinals.

267. The Corporation shall—

(*a*) provide and maintain, in proper and convenient situations, privies and urinals for the use of the public, and

(*b*) cause all privies and urinals so provided to be constructed and kept so as not to be a nuisance or injurious to health.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 268—270.)

268. (*1*) The Corporation may—

Power to Corporation to license public privies and urinals.

(*a*) grant licenses, for any period not exceeding one year, for the provision and maintenance of privies and urinals for the use of the public, and

(*b*) at any time, if they think fit, cancel any license so granted after giving one month's notice to the licensee.

(*2*) No person shall—

(*i*) keep a privy or urinal for the use of the public without obtaining a license therefor under sub-section (*1*), or

(*ii*) keep such privy or urinal after such license has been cancelled, or

(*iii*) suffer a licensed public privy or urinal of which he is the licensee to be in a filthy or noxious state.

269. In every new building intended for human habitation, such privy and urinal accommodation as the Corporation may prescribe, shall be provided on such site and in such position as they may direct.

Privy and urinal accommodation to be provided in new buildings.

270. (*1*) In every new building, at or in which not less than twenty labourers or workmen are or are likely to be employed, such privy and urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, shall be provided as the Corporation may prescribe. In prescribing any such accommodation the Corporation may determine in each case—

Privy, urinal and other accommodation for premises for twenty or more labourers or workmen.

(*a*) whether such building shall be provided with service or connected privies or urinals, or partly with one and partly with the other; and

(*b*) what the site or position of each privy, urinal or bathing or washing place shall be, and their number.

(*2*) When any premises at or in which not less than twenty labourers or workmen are employed, are without privy, urinal, bathing or washing place accommodation to the satisfaction of the Corporation, they may, by written notice, require the owner of such premises to provide such privy, urinal or bathing or washing place accommodation as they may prescribe.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 271, 272.)

Provision for privy and urinal accommodation in premises where accommodation is not provided or is insufficient.

271. When any premises intended for human habitation are without privy or urinal accommodation, or if the Corporation are of opinion that the existing accommodation therefor available for the persons occupying the premises is insufficient, inefficient or for sanitary reasons objectionable, the Corporation may, by written notice, require the owner of such premises—

(*a*) to provide such or such additional privy or urinal accommodation as they may prescribe; or

(*b*) to make such structural or other alterations in the existing privy or urinal accommodation as they may prescribe; or

(*c*) to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation:

Provided that where the privy or urinal accommodation of any premises has been and is being used in common by the persons occupying such premises or any other premises or is in the opinion of the Corporation likely to be so used, the Corporation may, if they are of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying all the said premises, direct that separate privy or urinal accommodation need not be provided on or for such other premises:

Provided also that the Corporation may, if they are of opinion that there is sufficient public latrine accommodation available for the persons occupying the premises, direct that separate privy or urinal accommodation need not be provided for such premises.

Power to Corporation to require provision of privies and urinals for premises used as a market, etc.

272. If it appears to the Corporation that any premises are, or are intended to be, used as a market, railway-station, dock, wharf or other place of public resort, or as a place for the employment of persons exceeding twenty in number, in any manufacture, trade or business, or as workmen or labourers, they may, by written notice, require the owner of such premises to provide such service or connected privies and urinals for the separate use of persons of each sex as they may prescribe.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 273—276.)

273. Privies and urinals, and all appurtenances thereof, shall be constructed, maintained, repaired, altered and regulated in accordance with— Rules for construction, etc., of privies and urinals.

(*a*) the rules contained in Schedule XV and any by-laws made under this Act relating to privies and urinals and the appurtenances thereof, and

(*b*) requisitions made under such rules and by-laws.

274. (*1*) If, within three years after any privy has been provided or altered with the sanction or on the requisition of any municipal authority duly empowered in that behalf, or of the Corporation under this Act, a requisition is made by the Corporation for the rebuilding or alteration of such privy, the expenses of such rebuilding or alteration shall be paid out of the Municipal Fund. Cost of repair of privy payable out of Municipal Fund in certain cases.

(*2*) When any notice has been issued under section 271 or Schedule XV in respect of any privy, urinal or group of privies or urinals and the Corporation are satisfied that the owner of the land or building on or in which any such privy or urinal is situated is from poverty unable to pay the whole or part of the expenses of carrying out the work required by the notice they may direct that such expenses, or such portion thereof, as they think fit, be paid out of the Municipal Fund.

Inspection of drains, house-gullies, privies, urinals, and bathing and washing places.

275. All house-drains, ventilation-shafts and pipes, cesspools, house-gullies, privies, urinals, and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected or set up at the charge of the Municipal Fund on premises not belonging to them, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by them. House-drains, etc., not belonging to the Corporation to be subject to inspection and examination.

276. For the purpose of any inspection and examination under section 275, the Corporation may cause the ground or any portion of any house-drain or other work exterior to a building, or any portion of a building which they may think fit, to be opened, broken up or removed: Power to Corporaton to open groiund, etc., for purposes of such inspection and examination.

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 277, 278.)

Expenses of inspection and examination by whom to be paid

277. (*1*) If, upon any inspection and examination under section 275, it is found that the house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place examined is in proper order and condition, and that none of the provisions of this Chapter or of Schedule XV, or of any by-law made under this Act have been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or the portion of any building, house-drain or other work (if any) opened, broken up or removed, for the purpose of such inspection and examination shall be filled in, re-instated and made good by the Corporation.

(*2*) But if, upon any such inspection and examination, it is found that any house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place so examined is not in good order or condition, or has been repaired, changed, altered, encroached upon or (except when the same has been constructed by or under the order of a municipal authority duly empowered in that behalf, or of the Corporation under this Act) constructed in contravention of any of the provisions of this chapter, or of Schedule XV, or of any by-law made under this Act, or of any enactment at the time in force,

the expenses of the inspection and examination shall, if the Corporation so direct, be paid by the owner of the premises, and the said owner shall at his own cost fill in, re-instate and make good the ground, or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of such inspection and examination:

Provided that the amount recoverable as the expenses of such inspection and examination shall not in any case exceed ten rupees.

Power to Corporation to require repairs, etc., to be made.

278. (*1*) When the result of any inspection and examination under this chapter is as described in section 277, sub-section (*2*), the Corporation may, by written notice, require the owner of the premises in which the house-drain, ventilation-shaft or pipe, cess-pool, house-gully, privy, urinal, or bathing or washing place referred to in the said sub-section is situate—

(*a*) to close or remove the same or any encroachment thereupon; or

(*b*) to renew, repair, cover, re-cover, trap, ventilate, pave and pitch, flush, cleanse or take

such other order with the same as the Corporation may think fit to direct, and to fill in, re-instate and make good the ground or the portion of any building, house-drain or other work opened, broken up or removed for the purpose of the said inspection and examination.

(2) In any such case the Corporation may, forthwith and without notice, stop up or demolish any house-drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter or of Schedule XV, or of any by-law made under this Act;

and may also, forthwith and without notice, clear, cleanse or open out any house-drain which is choked, blocked or in any way obstructed;

and all expenses incurred by the Corporation in so doing shall, in their discretion, be paid by the owner or the occupier of the premises.

Position of cesspools and other filth receptacles.

279. (1) No person shall construct a cesspool— **Position of cesspools.**

(a) beneath any part of any building, or within fifty feet of any tank, reservoir, water-course or well; or

(b) upon any site or in any position in Calcutta which has not been approved in writing by the Corporation; or

(c) upon any site or in any position without Calcutta, which has not been so approved and is situated within three hundred feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

(2) The Corporation may at any time, by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1), to remove such cesspool or to fill it up with such materials as may be approved by them.

280. (1) No person shall construct any house-drain, service-privy, urinal or other receptacle for sewage or offensive matter, not being a cesspool, within fifty feet of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Corporation that he will take such order therewith **No filth receptacle to be situated within fifty feet of tank, well, water-course or reservoir.**

as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.

(2) The Corporation may at any time, by written notice, require any person within whose premises there is situated, within fifty feet of any tank, well, water-course, or reservoir for the storage of water, any receptacle mentioned or referred to in sub-section (1), to remove such receptacle.

(3) This section shall also apply to any such receptacle, without Calcutta, which is constructed or situated within fifty feet of any reservoir used for the storage of filtered water to be supplied to Calcutta.

General powers and duties of the Corporation.

Power to Corporation to affix shafts or pipes for ventilation of drain or cesspool.

281. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, they may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as may appear to them to be necessary.

Power to Corporation to execute work when municipal drains, etc., affected.

282. When a notice has been issued under this Chapter or Schedule XV, requiring any person to construct or alter a drain, the Corporation may themselves cause to be constructed or altered so much of the drain as runs through, over or under any municipal drain, public aqueduct or public street, and the expenses thereby incurred shall be paid by the owner of the drain.

Power to Corporation to provide new drains, etc., in executing work.

283. (1) In executing any drainage works under this chapter, the Corporation shall provide and make, out of the Municipal Fund, a sufficient number of convenient ways, water-courses and drains in substitution for any that may be interrupted, injured or rendered useless by reason of the execution of such works;

and, if any difference arises between the Corporation and the persons affected, the same shall be settled by the Court of Small Causes having jurisdiction in the place where such works are executed, on application to be made to it for this purpose.

(2) The decision of the said Court of Small Causes shall, subject to the provisions of section 6 of the Presidency Small Cause Courts Act, 1882, or section 25 of the Provincial Small Cause Courts Act, 1887, as the case may be, be final.

XV of 1882.
IX of 1887.

(Part V.—Chapter XVIII.—Drains, privies and other receptacles for filth.—Sections 284—286.)

284. Subject to the provisions of this chapter and of Schedule XV,— General power to Corporation in respect of house-drains, cesspools, privies and urinals.

(*a*) all house-drains, as well within as without the premises to which they belong, all cesspools and all privies and urinals shall, as regards their site, construction, materials and dimensions and the arrangements for flushing the same, be under the survey and control of the Corporation, and

(*b*) the Corporation may, by written notice, require the owner of any premises in which any house-drain, cesspool, privy or urinal is situated, to alter, pave, repair or ventilate the same or to keep it in such a state of repair as to admit of its being sufficiently cleaned, or to supply it with water, or connect it with a sewer, or stop up or demolish it.

285. When, under the provisions of this chapter or of Schedule XV, the Corporation may require the owner of any premises to carry out any work, they may, if they consider it desirable so to do, require the occupier of the said premises to carry out such work, and the occupier shall be bound to comply with the requisition: Power to Corporation to require occupier to carry out work in place of owner.

Provided that, except in the case of a special agreement to the contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner, or may recover the same from him in any court of competent jurisdiction.

286. (*1*) When, under the provisions of this chapter or of Schedule XV, any person may be required or is liable to execute any work, the Corporation may, if it appears to them to be expedient and necessary so to do, themselves cause such work to be executed, after giving such person an opportunity of executing the same within forty-eight hours of the receipt of a notice to this effect. Power to Corporation to execute work after giving person liable notice.

(*2*) The expenses of any work so executed shall be payable by the said person, unless the Corporation direct the payment of such expenses out of the Municipal Fund.

General prohibitions.

Prohibition of certain acts.

287. No person shall,—

(*a*) in contravention of any of the provisions of this chapter or of Schedule XV, or of any notice issued or direction given thereunder, or without the written permission of the Corporation,

in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change,

any drain, ventilation-shaft or pipe, cesspool, privy, urinal, or bathing or washing place or any trap, covering or other fitting or appliance connected therewith; or,

(*b*) without the written permission of the Corporation, renew, rebuild or unstop any drain, ventilation-shaft, or pipe, cesspool, privy, urinal, or bathing or washing place or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the said provisions; or,

(*c*) without the written permission of the Corporation, make any encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, privy, urinal, or bathing or washing place; or

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth or ashes, or any substance or matter, by which or by reason of the amount of which such drain is likely to be obstructed; or

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain was not provided; or

(*f*) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed, any hot water, steam or

fumes, or trade effluents or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

CHAPTER XIX.

LICENSED PLUMBERS.

Power to Corporation to license plumbers.

288. (*1*) The Corporation may from time to time grant to any person they think fit a license to act as a plumber for the purposes of Chapter XVII or Chapter XVIII.

(*2*) Every such license shall be for a renewable period of three years.

Rules for guidance of plumbers.

289. The Corporation may make rules for the guidance of licensed plumbers, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 288.

Powers and duties of plumber licensed for drainage works.

290. A plumber holding a license for the purposes of Chapter XVIII—

(*a*) may prepare, for the approval of the Corporation, plans and estimates for the drainage of premises;

(*b*) may, with the sanction of the Corporation, carry out drainage works in accordance with this Act and the rules or by-laws made thereunder;

(*c*) shall furnish the Corporation with plans of all drainage works carried out under clause (*b*);

(*d*) may carry out any necessary repairs to municipal drainage works;

(*e*) may, when the owner or occupier of any premises has failed to comply with a notice requiring such owner or occupier to provide for the effectual drainage of such premises and if so directed by an order from the Corporation, carry out such works as may be necessary for the effectual drainage of the said premises; and

(Part V.—Chapter XIX.—Licensed plumbers.—Sections 291—293.)

(*f*) shall, when any works have been executed under clause (*e*), furnish the Corporation with plans of the same and with a statement of the cost of such works.

Prohibition of work by other than licensed plumber.

291. (*1*) No person other than a licensed plumber shall—

(*a*) execute any work in connection with the laying on of water from any mains of the Corporation to any land or building, or in connection with the extension of such mains or the supply of additional fittings after water has been so laid on, or

(*b*) make any underground drain communicating with the public sewers, or

(*c*) do any work in connection with such drain.

(*2*) No owner or occupier of any land or building shall cause or allow any work referred to in sub-section (*1*) to be executed by any person other than a licensed plumber, and such work shall be liable to be dismantled at the discretion of the Corporation without prejudice to the right of the Corporation to prosecute under this Act the owner or occupier, as the case may be.

Power to Corporation to prescribe remuneration of licensed plumbers.

292. (*1*) The Corporation may from time to time prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVII or Chapter XVIII.

(*2*) No licensed plumber shall, for any work referred to in sub-section (*1*), demand or receive more than the charge prescribed therefor under that sub-section.

Control over licensed plumbers and their works and charges.

293. The Corporation shall provide for—

(*a*) the exercise of an adequate control over all licensed plumbers;

(*b*) the inspection of all work carried out by them; and

(*c*) the hearing and disposal of complaints made by owners or occupiers of premises with regard to the quality of the work done by, the materials used by, any delay in the execution of the work by, or the charges made by, licensed plumbers.

(Part V.—Chapter XIX—Licensed plumbers.—Chapter XX.—Streets and public places.—Sections 294—297.)

294. (*1*) No licensed plumber shall infringe any of the rules made under section 289, or execute carelessly or negligently any work under this Act or under any rules or by-laws made thereunder, or make use of bad materials, appliances or fittings. Prohibitions and suspension or cancellation of license.

(*2*) If any licensed plumber contravenes sub-section (*1*), his license may be suspended or cancelled whether he be prosecuted under this Act or not.

CHAPTER XX.

STREETS AND PUBLIC PLACES.

Proprietary rights of the Corporation.

295. (*1*) All public streets and squares (not being [1][the property of the Crown kept under the control of any Government, or the property and kept under the control of] the Commissioners for the Port of Calcutta or the Board of Trustees for the Improvement of Calcutta), including the soil, sub-soil, and the side-drains, footways, pavements, stones and other materials of such streets and squares, and all erections, materials, implements and other things provided for such streets or squares shall vest in and belong to the Corporation. Public streets and squares vested in the Corporation and power to the Corporation to name such streets and squares.

(*2*) The Corporation may, from time to time, determine the name by which any public street or square is to be known.

Maintenance, repair, protection and regulation of streets and public places.

296. The Corporation shall cause the public streets vested in them to be maintained and repaired, and for those purposes may do all things necessary for the public safety or convenience, including the construction and maintenance of bridges, causeways and culverts. Maintenance and repair of public streets by Corporation.

297. The Corporation shall, so far as they may consider it necessary to do so for the public convenience, cause such public streets, squares and gardens, as they may from time to time determine, to be watered, oiled or otherwise treated in a suitable manner, and for Watering, etc., of public streets, squares and gardens.

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[1]These words were substituted for the words "the property and kept under the control of the Government or" by Schedule IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

that purpose may provide such animals, water-carts, materials and other apparatus as they may think necessary.

Rules for maintaining, repairing, etc., streets and public places.

298. Streets and public places shall be maintained, repaired, protected and otherwise regulated in accordance with the rules contained in Schedule XVI.

Power to Corporation to remove or alter verandah, etc., or fixtures attached to building which project, etc., over public street or land.

299. (*1*) When any verandah, platform or other similar structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act, causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, they may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture.

(*2*) If the expense of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(*3*) If the owner or occupier of the building proves that any such structure or fixture was erected before the first day of June, 1863, or that it was erected on or after that day with the consent of any municipal authority duly empowered in that behalf, the Corporation shall, after such structure or fixture has been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

Power to Corporation to cause wall to be removed or to remove other obstructions in public street.

300. (*1*) The Corporation may, after giving notice to him, require any person to remove any wall and may of their own motion remove any fence, rail, post, platform, or other obstruction, projection or encroachment (not being a portion of a building or fixture referred to in section 299) which has been erected or set up, and any materials or goods which have been deposited, in a public street or in or over any drain or aqueduct in a public street, whether the offender be prosecuted under this Act or not;

and the offender shall be liable for the payment of the expense of such removal.

(*2*) When under sub-section (*1*), the Corporation cause any wall to be removed or remove any other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be

payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

Execution of works in streets.

301. (*1*) When any work is being executed by the Corporation in any public street, they shall, so far as may reasonably be practicable, make adequate provision for— Provision of facilities, and payment of compensation, when work executed by Corporation in public street.

(*a*) the passage or diversion of traffic;

(*b*) proper access to all premises approached from such street; and

(*c*) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

(*2*) The Corporation shall pay compensation to any person, who sustains special damage by reason of the execution of any such work.

Building-lines and street alignments for public streets.

302. (*1*) If the Corporation consider it expedient to prescribe for any public street a building-line or a street alignment, or both a building-line and a street alignment, they shall give public notice of their intention to do so: Power to Corporation to prescribe building-line and street alignment.

Provided that no building-line shall ordinarily be prescribed for any street laid out and made before the commencement of this Act.

(*2*) Every such notice shall specify a period within which objections will be received; and a copy of the notice shall be sent by post to every owner of premises abutting on such street who is registered in respect of such premises in the books of the municipality:

Provided that failure or omission to serve such notice on any owner shall not invalidate proceedings under this section.

(*3*) The Corporation shall consider all objections received within the said period, and shall hear any objector who comes forward within such period as they may fix in this behalf, and may then make an order prescribing a building-line or a street alignment, or both a building-line and a street alignment for such public street.

A register or book with plans attached shall be kept by the Corporation showing all public streets in respect of which a building-line or street alignment has been prescribed, and such register shall contain such particulars as to the Executive Officer may appear to be necessary and shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Corporation.

(*4*) A building-line shall not be prescribed so as to extend further back than the main front wall of any building (other than a boundary wall) abutting on the street at its widest part.

(*5*) Every order made under sub-section (*3*) shall be published in the [1][*Official Gazette*] and shall take effect from the date of such publication.

Restrictions on erection of, or addition to, buildings or boundary walls within street alignment or building-line.

303. (*1*) No portion of any building or boundary wall shall be erected or added to within a street alignment prescribed under section 302:

Provided that the Corporation may, in their discretion, permit additions to a building to be made within a street alignment, if such additions merely add to the height of, and rest upon, an existing building or wall, upon the owner of the building executing, if required to do so by the Corporation, an agreement binding himself and his successors in interest—

(*a*) not to claim compensation in the event of the Corporation at any time thereafter calling upon him or such successors, by written notice, to remove any addition made to any building in pursuance of such permission, or any portion thereof, and

(*b*) to pay the expenses of such removal.

(*2*) If the Corporation refuse to grant the permission applied for to add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 302, and if such site, or the portion thereof which falls within such alignment, be not acquired by the Corporation within six months after the date of such refusal, they shall pay reasonable compensation to the owner of the site.

(*3*) No person shall erect or add to any building between a street alignment and the building-line without first obtaining the permission of the Corporation to do so:

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[1]*See* footnote 2 on p. 2, *ante*.

(Part V.—Chapter XX.—Streets and public places.—Sections 304, 305.)

Provided that it shall not be necessary to obtain permission under this sub-section to erect, between a street alignment and the building-line,—

(*a*) a porch or balcony, or,

(*b*) along not more than one-third of the frontage, an outhouse not exceeding fifteen feet in height.

(*4*) If the Corporation grant permission under sub-section (*3*), they may require the applicant to execute an agreement in accordance with the proviso to sub-section (*1*).

Power to Corporation to take possession of, and add to street, land situated within prescribed street alignment or covered by projecting buildings.

304. (*1*) The Corporation may at any time, after giving notice to the owner of the land of their intention, take possession of—

(*a*) any land (abutting on a public street) upon which any portion of any building or wall, projecting beyond the front of the adjoining building or wall, on either side of such first-mentioned building or wall, has collapsed or been demolished or burnt down, and

(*b*) any land not covered by buildings (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment prescribed under section 302,

after making full compensation to the owner thereof for any direct damage which he may sustain thereby and shall take possession of any land as specified, in clause (*b*) if the owner thereof calls upon them to do so.

(*2*) Any land taken possession of under sub-section (*1*) shall forthwith be added to and become part of the said street, and shall vest in the Corporation.

Explanation.—The expression "direct damage", as used in sub-section (*1*) with reference to land, means the market-value of the land taken and the depreciation, if any, in the ordinary market-value of the rest of the land resulting from the area being reduced in size; but does not include damage due to any particular use to which the owner may allege that he intended to put the land although such use may be injuriously affected by the reduction of the site.

Power to Corporation to set buildings forward to improve line of public street.

305. The Corporation may, upon such terms as they think fit, allow any building or wall to be set forward for the purpose of improving the line of a public street.

(Part V.—Chapter XX.—Streets and public places.— Sections 306—308.)

Opening, improvement and closing of public streets, squares and gardens.

Power to Corporation to make, improve and close street, squares and gardens.

306. The Corporation may—

(*a*) lay out and make new streets, squares and gardens;

(*b*) construct new bridges, causeways, culverts and sub-ways;

(*c*) turn, divert, or temporarily or permanently close any public street or part thereof, or permanently close any public square or garden; and

(*d*) widen, open, enlarge, or otherwise improve any public street, square or garden.

Power to Corporation to dispose of a permanently closed street, square or garden.

307. (*1*) When any public street, or part thereof, or any public square or garden is permanently closed under section 306, the Corporation may sell or lease the site of so much of the roadway and footpath as is no longer required, or the site of the square or garden, as the case may be, making due compensation to, or providing means of access for, any person who may suffer damage by such closing.

(*2*) In determining such compensation under section 523, the court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, square or garden, at or about the same time that the public street, square or garden, on account of which the compensation is paid, is closed.

Projected public streets.

Projected public streets.

308. (*1*) The Corporation may from time to time prepare schemes and plans of projected public streets, showing the direction of such streets, the street alignment and building-line on each side of them, their intended width, and such other details as may appear desirable.

(*2*) The width of such projected streets, inclusive of space for footpaths, shall not be less than forty feet or, in a *bustee,* twenty feet:

Provided that—

(a) the Corporation may, for special reasons, reduce the width of any projected street, but not so as to be less than thirty feet or in a *bustee* sixteen feet; and

(b) this sub-section shall not apply in any case in which the projected street, or any part thereof, runs along an existing street and the Corporation consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be.

309. The provisions of sections 302 and 303 shall, with all necessary modifications, apply to public streets projected under section 308. Provisions of sections 302 and 303 to apply to projected public streets.

Acquisition of land and buildings.

310. (*1*) The Corporation may acquire— Power to Corporation to acquire land and buildings for improvement of public streets, squares and gardens.

(a) any land required for the purpose of opening, widening, extending or otherwise improving any public street, square or garden, or of making any new public street, square or garden, and

(b) the buildings (if any) standing upon such land.

(*2*) The Corporation, with the sanction of the [1][Provincial Government], and after giving due notice of their intention and an opportunity to any objector, who appears within such period as they may fix, to be heard in this connection, may acquire, in addition to any land and buildings acquired under sub-section (*1*), any land outside any proposed street alignment, with the buildings (if any) standing thereupon, which the Corporation may, for any of the purposes mentioned in sub-section (*1*), including the recoupment of the cost or any portion of the cost incurred for any such purposes, consider it expedient to acquire.

Abandonment of acquisition.

311. (*1*) In any case, in which the [1][Provincial Government] have sanctioned the acquisition of land under section 310, sub-section (*2*), the owner of the land, or any person having an interest therein greater than a lease for years having seven years to run, may make an application to the Corporation, requesting that Abandonment of acquisition in consideration of special payment.

[1]*See* footnote 1, on p. 2, *ante*.

the acquisition of the land be abandoned in consideration of the payment by such person of a fee to be fixed by the Corporation in that behalf.

(*2*) The Corporation shall admit every such application if it reaches them before the time fixed by the Collector under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land: I of 1894.

Provided that unless the application is made by all the persons who have an interest in the land greater than a lease for years having seven years to run, the application shall not be deemed to be admitted unless the person applying undertakes to pay in one instalment the full fee payable under sub-section (*3*) and thereafter pays such fee.

Explanation.—A mortgagee shall not be deemed to be a person having an interest in the land greater than a lease for years having seven years to run.

(*3*) If the Corporation decide to admit any such application, they shall forthwith inform the Collector, and the Collector shall thereupon stay proceedings for the acquisition of the land, for such period as the Corporation may request, and the Corporation shall proceed to fix a fee in consideration of which the acquisition of the land may be abandoned.

(*4*) In fixing the fee to be paid in consideration of the abandonment of the acquisition of the land, the Corporation shall, so far as to them may appear to be practicable, fix a sum which in their opinion represents two-thirds of the increment in the value of the land, which will in their opinion accrue to that land as a result of the improvements effected in the locality by the scheme for the purposes of which the acquisition has been sanctioned.

(*5*) Such fee shall be and remain a charge on the land, in respect of which it has been fixed, until the repayment thereof with interest in the manner hereinafter provided and shall be payable by the applicant on or before a date to be fixed by the Corporation in this behalf; and such date shall not be less than four years from the publication of the notification under section 6 of the Land Acquisition Act, 1894, nor shall such date be a date before that on which the scheme is declared by the Corporation to be completed in so far as it affects such land.

(Part V.—Chapter XX.—Streets and public places.—Section 312.)

(*6*) Before the date so fixed, the person from whom the Corporation have arranged to accept the said fee, may, if the Corporation are satisfied that the security offered by him is sufficient, execute an agreement with the Corporation either—

(*i*) to leave the said fee outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest, at a rate not exceeding seven *per cent. per annum*, the said interest to run from the date fixed under sub-section (*5*), or

(*ii*) to pay the said fee by such number of equal yearly or half-yearly instalments of principal or of principal and interest, as may be approved by the Corporation, interest in both cases being calculated at a rate not exceeding seven *per cent. per annum* on the amount outstanding.

(*7*) When the said fee has been paid on or before the date fixed under sub-section (*5*), or when an agreement has been executed in pursuance of sub-section (*6*) in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned.

(*8*) If the said fee be not paid on or before the date fixed under sub-section (*5*), the Collector shall then proceed to acquire the land.

(*9*) If any sum payable under an agreement executed in pursuance of sub-section (*6*) be not paid on the date on which it is due, or on such later date as the Corporation may in their discretion fix in this behalf, so much of the fee fixed by the Corporation under sub-section (*3*) as is still unpaid, shall be payable on that date, in addition to the said sum.

(*10*) At any time after an agreement has been executed in pursuance of clause (*i*) of sub-section (*6*) any person may pay off the balance outstanding of the charge created thereby, with interest due, if any, at a rate not exceeding seven *per cent. per annum*, up to the date of such payment.

Recovery of money payable in pursuance of section 311.

312. When an agreement has been executed by any person in pursuance of section 311, sub-section (*6*), in respect of any land, and any money payable in pursuance of that section is not duly paid, the same shall be recoverable by the Corporation (together with interest up to the date of realization, at a rate not exceeding seven *per cent. per annum*), under the provisions of this Act;

and, if not so recovered the Corporation may, after giving public notice of their intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Agreement or payment under section 311 not to bar acquisition under a fresh declaration.

313. If any land in respect of which an agreement has been executed, or a payment has been accepted, in pursuance of section 311, sub-section (*6*), be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration, published under section 6 of the Land Acquisition Act, 1894. I of 1894.

Special provisions as to private streets.

Making of new private streets.

314. (*1*) Any person intending to make or lay out a new private street shall send to the Corporation a written notice, with plans and sections showing the following particulars of the proposed street, namely:—

(*a*) the level, width and alignment thereof, and

(*b*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining and lighting the street.

(*2*) The provisions of this Act as to the width of public streets and the height of buildings abutting thereon, and as to projected public streets, shall respectively apply in the case of streets referred to in sub-section (*1*); and all the particulars referred to in that sub-section shall be subject to approval by the Corporation:

Provided that the Corporation may allow a private street to be made or laid out of a width less than forty feet but not less than twenty feet, and, if the street is less than two hundred feet in length, the maximum width of such street may ordinarily be taken to be thirty feet instead of forty feet.

(*3*) Within ninety days after the receipt of any notice under sub-section (*1*), the Corporation shall either

sanction the making of the street, or disallow it, or ask for further information with respect to such street.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Corporation likely to be made within a reasonable period, for carrying out any general scheme of street improvement, or

(ii) if the proposed street does not conform to the provisions of this Act referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) If further information is asked for under sub-section (3), no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information, and such orders shall be passed within ninety days of the receipt of such further information.

(6) If within ninety days after the receipt of any notice under sub-section (1), or within ninety days after the receipt of any further information asked for under sub-section (3), the Corporation has not refused sanction to the making of the private street, it shall be deemed that sanction to the same has been granted.

315. Except as provided in sub-section (6) of section 314, no person shall make or lay out any street referred to in sub-section (1) of that section,— Prohibition of breach of section 314.

(a) until he has obtained the sanction of the Corporation under that section, or

(b) in contravention of any orders made thereunder.

316. (1) If any person makes or lays out any street referred to in section 314, sub-section (1), without having obtained the sanction of the Corporation under that section, or in contravention of any orders made thereunder, they may, whether or not the offender be prosecuted under this Act, by written notice,— Alteration or demolition of street made in breach of section 314.

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Corporation on or before such day as

(Part V.—Chapter XX.—Streets and public places.—Sections 317, 318.)

may be specified in the notice, why such street should not be altered to their satisfaction, or, if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before them, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(*2*) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the Corporation, why such street should not be so altered or demolished, they may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

Levelling, etc., of private streets.

317. (*1*) If any private street or any part thereof be not levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Corporation, they may, by written notice to the owner of such private street or the respective owners of the land fronting, adjoining, or abutting upon such street or part, as the case may be, from time to time require them to level, pave, metal, flag, channel, sewer, drain and light such street or part.

(*2*) If such notice be not complied with and the Corporation, under section 510, sub-section (*2*), execute the works mentioned or referred to therein, the expenses thereby incurred shall be paid by the owner of such private street or the owners in default, in such proportion as may be settled—

(*a*) by the Corporation, or,

(*b*) in case of dispute, by the Court under section 523.

Power to Corporation to take over private streets.

318. If any private street which conforms to the provisions of this Act referred to in section 314, sub-section (*2*), be levelled, paved, metalled, flagged, channelled, sewered, drained and lighted to the satisfaction of the Corporation, and if a majority of—

(*a*) the owners of land or buildings in such street, or

(*b*) the owners of the street, or

(*c*) the owners who have paid the expenses referred to in section 317, sub-section (*2*),

signify in writing their consent thereto, the Corporation shall declare the same, by written notice put up in any part of such street, to be a public street, and thereupon the same shall become a public street and shall vest in the Corporation:

Provided that, where a private street has been in existence for not less than thirty years and is used by the people of the locality as a thoroughfare, the Corporation may declare such street to be a public street even though it does not strictly comply with the provisions of this chapter, if—

(*a*) the owners of lands and buildings in such street, or

(*b*) the owners of the street,

signify in writing their consent thereto.

CHAPTER XXI.

BUILDINGS.

319. No piece of land shall be used as a site for the erection of a new building, and no new building shall be erected, otherwise than in accordance with— **Use of building sites, and erection of new buildings.**

(*a*) the provisions of this Chapter and of Schedule XVII, and

(*b*) any orders, rules or by-laws made under this Act,

relating to the use of building-sites or the erection of new buildings, as the case may be.

320. If any question arises as to what, for the purposes of this Act, shall be deemed to be the site of any proposed masonry building, the Corporation shall determine the same, and their decision shall be final. **Corporation to determine site of proposed masonry building.**

Licensed building surveyors.

321. (*1*) The Corporation may from time to time grant to any person they think fit a license to act as a licensed building surveyor for the purposes of this chapter. **Licensing of building surveyors.**

(*2*) The Corporation may prescribe the qualifications to be required in persons to whom licenses may be granted under sub-section (*1*) in respect of the several classes of buildings.

(*3*) Every such license shall be for a renewable period of three years.

Rules for guidance of licensed building surveyors.

322. (*1*) The Corporation may make rules for the guidance of licensed building surveyors, and a copy of all such rules, for the time being in force, shall be written on the back of every license granted under section 321.

(*2*) The Corporation may from time to time prescribe a scale of fees of licensed building surveyors in respect of any class of buildings, to be made applicable in the absence of a written contract to the contrary.

Power to Corporation to decline plans, etc., made by persons other than licensed building surveyors.

323. The Corporation may decline to accept any plan, elevation or section, submitted with any application for permission to erect a new building, unless such plan, elevation or section has been prepared by, and bears the signature of, a licensed building surveyor.

Buildings generally.

Power to Corporation to regulate future erection of certain classes of buildings in particular streets or localities.

324. (*1*) The Corporation may at any time give public notice of their intention to declare that, in any street, portion of a street or locality specified in the notice,—

(*a*) the elevation and construction of the frontage of all new buildings (other than huts) thereafter erected shall, in respect of their architectural features, be such as the Corporation may consider suitable to the locality, or

(*b*) the erection of only detached buildings will be allowed, subject to the provisions of this Act relating to detached buildings, or

(*c*) the erection of shops, or of any particular class of shops, or of buildings of the warehouse class, will not be allowed without the special permission of the Corporation, or

(*d*) the erection of buildings of the warehouse class will be allowed, subject to the provisions of this Act relating to such buildings, or

(*e*) the erection of huts will not be allowed without the special permission of the Corporation.

(Part V.—Chapter XXI.—Buildings.—Sections 325, 326.)

(*2*) A copy of such notice shall be served by the Corporation on all owners of buildings and lands in such street or portion thereof or in such locality, as the case may be, who are registered on the books of the Corporation as such:

Provided that no failure to serve such notice shall invalidate or affect any declaration published under sub-section (*5*).

(*3*) No objections to any such declaration shall be received after a period of three months from the publication or the service of such notice.

(*4*) The Corporation shall consider all objections received within the said period, and shall hear any objectors who may appear before them within such period as they may fix in this behalf, and may prepare a declaration relating to the streets or localities referred to in the notice.

(*5*) When any such declaration has been so prepared, it shall be published in the [1][*Official Gazette*], and shall take effect from the date of such publication.

(*6*) No person shall erect any new building in contravention of any such declaration.

Masonry building not to be erected without special permission in certain cases.

325. (*1*) Save with the special permission of the Corporation, no new building (other than a hut) shall be erected unless—

(*a*) the site of such building abuts on a public street, or a projected public street, or a private street duly sanctioned and constructed under section 314, or existing before the commencement of this Act, or

(*b*) there is access to the building from any such street by a passage or pathway, appertaining to such site, and not less than twelve feet wide at any part.

(*2*) No building shall be erected so as to deprive any masonry building of the means of access as provided in this section.

Power to Corporation to require alteration of existing public building.

326. For the purpose of bringing any public building, except a building, which is intended solely for and is used solely as a place of public worship, into conformity with the provisions of this Act relating to new public buildings, the Corporation may, by written notice, and after giving him an opportunity of being

[1]*See* footnote 2 on p. 2, *ante*.

heard, require the owner of the building to make such alterations therein for the purposes of sanitation and the safety of the public or of the inmates thereof as may be specified in the notice.

External doors of public buildings.

327. The Corporation may, by written notice, require the owner of any public building to provide the building with external doors or doorways of such number, height and width as the Corporation may consider necessary, or to cause the external doors thereof to be so constructed or altered as to open outwards.

Prohibition of change in user of a building.

328. (*1*) Save with the special permission of the Corporation, no person shall use a building or a substantial part of a building erected for use as, and belonging to, any one class of buildings, as a building of any other class in such a manner that the building or part thereof so used will not be in conformity with the provisions of this Act, or of any rules or by-laws made thereunder, relating to buildings of that other class:

Provided that no change made by this Act in the classification of buildings as in force under the Calcutta Municipal Act, 1899, shall have the effect of preventing the use of a building for the purposes for which it was declared to be intended to be used at the time when the plans of such building were sanctioned.

Ben. Act III of 1899.

(*2*) The provisions of sub-section (*1*) shall not apply to the use as a shop of a building or a substantial part of a building which was not erected for such use:

Provided that if, in any street, portion of a street or locality in which the erection of shops is not allowed under clause (*c*) of sub-section (*1*) of section 324, any such building or part thereof is used as a shop without the special permission of the Corporation, they may, by written notice, require the owner or occupier of such shop to close the same.

In case of dispute Corporation to decide what is to be deemed a substantial part of a Building.

329. If any dispute arises as to what portion of a building shall be deemed to be a substantial part thereof for the purposes of this Act, it shall be referred to the Corporation, whose decision shall be final.

Application of Act to alterations of, and additions to, buildings.

Application of Act to alterations of, and additions to, buildings.

330. Subject to the provisions of section 331, the provisions of—

(*a*) this chapter,

(*b*) Schedule XVII, and

(*c*) any orders, rules and by-laws made under this Act,

relating to the erection of new buildings, shall, subject to the rules in Part X of the said Schedule XVII, apply to every alteration of, or addition to, any building, and to any other work (except that of necessary repairs not involving any of the works specified in rule 92 of the said schedule) made or done for any purpose in, to, or upon any building.

Explanation.—No work of re-erection or reconstruction which would constitute any building a new building under sub-clauses (*b*), (*c*) or (*d*) of clause (*46*) of section 3 shall, for the purposes of this section, be deemed to be an alteration of or addition to, or any other work made or done to or upon, such building, but in the case of such re-erection or reconstrtuction the provisions relating to the erection of new buildings as referred to in this section shall apply to the whole of the said new building.

331. In the case of an erection of any new building as defined in sub-clauses (*b*), (*c*) or (*d*) of clause (*46*) of section 3, and in the case of any addition or alteration or other work referred to in section 330, such relaxation of the provisions of this chapter and Schedule XVII may be made as the Corporation may think fit: **Power to relax provisions of chapter and Schedule XVII.**

Provided that—

(*1*) no such relaxation shall apply to cases other than those specifically mentioned in rule 94 of Schedule XVII, and

(*2*) such relaxations are not likely prejudicially to affect the sanitation or ventilation of the building or other buildings in its vicinity.

332. The Corporation shall not refuse sanction to the erection of a boundary wall exceeding ten feet in height or to any addition to any boundary wall so as to make it exceed ten feet in height on the ground that such boundary wall or such addition would cause interference with an existing easement in favour of, or prevent the acquisition of an easement by, the owner of adjacent premises. **Erection of, or addition to, boundary wall affecting an easement.**

Exemptions.

333. The following buildings shall be exempted from the operation of this chapter, namely,— **Exemptions.**

(*a*) any building erected and used, or intended to be erected and used, exclusively for the purpose of accommodating a pump for pumping

water to the higher storeys of a building, or exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary if the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building;

(b) any building erected or intended to be erected by, or with the sanction of, the Corporation, for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease; and

(c) any hoarding or like means of protection (other than a masonry wall) which the owner of any premises certifies to the Executive Officer not less than seven days after its erection to have been erected for the purpose of preventing the threatened acquisition of any easement over his own premises or any portion thereof, provided that the stability of such hoarding or other means of protection is certified by the Executive Officer.

Erection and use of temporary building to be approved by Corporation.

334. (1) No building shall be erected or used for a temporary purpose without the approval of the Corporation, or otherwise than in accordance with any by-laws made in this behalf under this Act.

(2) If any building erected and used for a temporary purpose is not used strictly for such purpose and in accordance with any by-laws made under this Act, the building may be demolished by the Corporation at the expense of the owner thereof whether he is prosecuted under this Act or not.

CHAPTER XXII.

BUSTEES.

Preliminary.

Power to Corporation to define and alter limits of *bustees*.

335. The Corporation may define the external limits of any bustee, and may from time to time alter such limits.

(Part V.—Chapter XXII.—Bustees.—Sections 336, 337.)

Restriction on application of this chapter to certain *bustees* or to masonry buildings in *bustees*.

336. None of the powers conferred by any of the following sections of this chapter shall be exercisable in respect of—

(*a*) any *bustee* the total area of which, as comprised within the limits defined under section 335, is less than two *bighas*, or

(*b*) any masonry building existing in a *bustee* at the time when a standard plan is approved or alignments are prescribed under section 360 for such *bustee*, as the case may be.

Improvement of bustees.

Power to Corporation to require owner of *bustee* of area between ten *cottahs* and two *bighas* to carry out certain improvements.

337. (*1*) Notwithstanding anything contained in section 336, the Corporation may, for sanitary reasons, require the owner of any *bustee* of which the total area as comprised within the limits, defined under section 335 is more than ten *cottahs* but less than two *bighas*,—

(*a*) to open up and construct such passages, not exceeding twelve feet in width, between the huts, and to provide such surface drains and latrines for the use of the tenants of the *bustee*, as the Corporation may think necessary, and

(*b*) to remove the whole or any portion of a hut, provided that the owner of the hut shall be entitled to receive from the Municipal Fund such compensation calculated according to the estimated value of the structure removed, as the Corporation may determine.

(*2*) When the Corporation propose to issue a requisition in respect of any *bustee* under sub-section (*1*), they shall prepare a standard plan showing the proposed improvements, and may then, by written notice, call on the owner of the *bustee* to show cause why the *bustee* should not be improved within a date to be fixed in conformity with the said plan.

(*3*) The provisions of sections 345, 346, 347, 352, 355, 356 and 359 shall, with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (*1*).

Power to Corporation to require preparation of standard plan by owner of *bustees*.

338. (*1*) The Corporation may at any time, if it appears to them that any *bustee*, for sanitary reasons, requires improvement, serve a written notice upon the owner of such *bustee* requiring him to prepare and submit a plan of the *bustee*, to the scale of twenty-five feet to the inch, showing—

(*a*) the manner in which the *bustee* should be laid out, with the huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging,

(*b*) the drains for the general use of the tenants of the *bustee*,

(*c*) the means of lighting, common water-supply, bathing arrangements (if any) and common privy accommodation to be provided for the use of the tenants,

(*d*) the streets and passages which are to be maintained for the benefit of the tenants,

(*e*) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved, and

(*f*) any other proposed improvements:

Provided that when there are two or more owners of a *bustee*, the Corporation may require them to prepare and submit a joint plan of the *bustee*.

(*2*) The streets referred to in clause (*d*) of sub-section (*1*) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause shall be not less than twelve feet wide.

(*3*) If there is any masonry building within the limits of the *bustee*, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(*4*) The said plan—

(*i*) shall be considered by the Corporation and modified in such manner as may be required, and

(*ii*) shall, when approved by them, be deemed to be the standard plan of the *bustee*.

(Part V.—Chapter XXII.—Bustees.—Sections 339—341.)

Preparation of standard plan by Corporation where owners disagree, etc.

339. *(1)* If, after the service of a notice under section 338 on the owners of any *bustee*, such owners—

(*a*) do not agree among themselves in the preparation of a plan as required by such notice, or

(*b*) for any reason prefer to have a plan prepared for them by the Corporation, or

(*c*) fail to comply within sixty days with such notice,

the Corporation shall cause the *bustee* to be inspected by two persons appointed in that behalf, one of whom shall be a medical officer of the Corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the Corporation in this behalf, and the other an engineer, and the Corporation on receipt of their report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under subsection *(1)*, the Corporation shall fix a day for the hearing of objections (if any) made by or on behalf of the owners of the *bustee* and the owners of huts or masonry buildings therein,

and, after hearing such objections, may, in their discretion, approve such plan either with or without modifications.

(3) Every plan of a *bustee*, approved under subsection *(2)* shall be deemed to be the standard plan of the *bustee*.

(4) When the Corporation cause a plan to be prepared under sub-section *(1)*, they may charge the said owners therefor at a rate not exceeding five rupees *per bigha*.

Suspension of building pending preparation of standard plan.

340. When the owner of a *bustee* has been required under section 338 to prepare a plan, no new building which is a hut shall be erected and no hut shall be added to within the *bustee* until a plan has been prepared and approved under that section or under section 339.

Prohibition of building contrary to standard plan.

341. When a standard plan has been approved for any *bustee* under section 338 or section 339, no new building which is a hut shall be erected and no hut shall be added to in such *bustee* unless the hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a hut.

(Part V.—Chapter XXII.—Bustees.—Sections 342—344.)

Power to Corporation to require removal of hut not in conformity with standard plan.

342. (*1*) When a standard plan has been approved for any *bustee* under section 338 or section 339, the Corporation may at any time, by written notice, require the owner of any hut in such *bustee*, which is not in conformity with the standard plan, to remove the whole or any portion of such hut.

(*2*) When a hut or portion of a hut has been removed in compliance with a requisition made under sub-section (*1*), the owner thereof shall be entitled to receive from the Municipal Fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials, if the owner elects to take these, as the Corporation may determine.

Power to Corporation to require carrying out of other improvements in confromity with standard. plan.

343. (*1*) The Corporation may at any time, by written notice, require the owner of any *bustee* for which a standard plan has been prepared under section 338 or section 339—

(*a*) to construct the drains, privies, streets and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(*b*) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(*2*) Until such notice is complied with, the Corporation may refuse to sanction the erection of a new building which is a hut or the making of any addition to any hut in the *bustee*.

Inspection, report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition.

344. (*1*) If it appears to the Corporation that any *bustee*,—

(*a*) by reason of the manner in which the huts are crowded together, or

(*b*) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this chapter would be too dilatory to meet the emergency,

they may, after giving notice to the owners of the *bustee*, cause the *bustee* to be inspected by two persons appointed in that behalf, one of whom shall be a

(Part V.—Chapter XXII.—Bustees.—Section 344.)

medical officer of the Corporation or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the Corporation in this behalf, and the other an engineer. In appointing such persons the Corporation shall consider any proposals made by the owner of the *bustee* in this connection.

(*2*) The said persons shall forthwith—

(*a*) make, sign and submit a written report on the sanitary condition of the *bustee*, and

(*b*) annex to the report a plan approved by them as a proper standard plan of such *bustee*, and

(*c*) certify—

(*i*) which of the improvements required to bring the *bustee* into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the *bustee*, and

(*ii*) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(*3*) The improvements referred to in sub-clauses (*i*) and (*ii*) of sub-section (*2*) shall be specified in two separate schedules, which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(*4*) The said schedules shall clearly indicate—

(*a*) the huts which should wholly or in part be removed,

(*b*) the streets, passages and drains which should be constructed,

(*c*) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for the use of the tenants,

(*d*) the tanks, wells and low lands which should be filled up,

(*e*) any other improvements which the two persons appointed under sub-section (*1*) may consider necessary in order to remove or abate the unhealthy condition of the *bustee*, and

(*f*) any masonry building within the *bustee*, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.

(*5*) A report (together with the schedules annexed thereto) made and signed under this section by any two persons appointed under sub-section (*1*) shall be sufficient evidence of the result of such inspection.

Approval by Corporation of standard plan and schedules annexed to such report.

345. (*1*) The Corporation shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 344, and, after hearing the objections (if any) of the owner of the *bustee* in respect of which the report has been made, and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (*4*) of section 344, may approve such plan and schedules after making such modifications (if any) therein as they may think fit.

(*2*) The plan so approved shall be deemed to be the standard plan of such *bustee*.

Power to Corporation to require owners or occupiers to carry out improvements specified in Schedule A.

346. When Schedule A, annexed to a report made under section 344, has been approved under section 345, the Corporation may cause a written notice to be served upon—

(*a*) the owners of the huts referred to in such Schedule A, or

(*b*) the owners of the *bustee* in which such huts are situated,

requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.

Payment of expenses incurred in carrying out improvements.

347. When any improvements required by a notice under section 346 are carried out by the Corporation under section 510, all expenses incurred thereby, including such reasonable compensation as the Corporation may think fit to pay to the owners or occupiers of huts removed,

shall be paid by the owner of the *bustee* to the Corporation and shall constitute a charge upon such *bustee;*

(Part V.—Chapter XXII.—Bustees.—Sections 348, 349.)

Provided that, notwithstanding anything contained in section 516, if it appears to the Corporation that any such owner is unable, by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the Corporation, have been done by the owners or occupiers of huts within the *bustee*, they may order the same or any portion thereof to be paid out of the Municipal Fund, and in the case of expenses which should be paid by the owner of the *bustee*, they may order the same or any portion thereof to be advanced out of the Municipal Fund, but thereafter to constitute a charge upon such *bustee*.

Disposal by the Corporation of material of huts pulled down.

348. *(1)* If, in carrying out any improvement as provided in section 346, the Corporation cause any hut or portion of a hut to be pulled down, they shall—

(*a*) cause the materials of such hut or portion of a hut to be given to the owner of the hut if such owner elects to take them; or

(*b*) if the owner does not elect to take the materials, or if the owner be unknown or the title to the hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 347.

(2) Any amount held in deposit under clause (*b*) of sub-section *(1)* shall be so held by the Corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

Power to Corporation to purchase or acquire masonry buildings or land in *bustees*.

349. The Corporation may, at any time after the receipt of a report made under section 344, purchase or acquire—

(*a*) any masonry building within such *bustee*, or

(*b*) any land appertaining to such building, or

(*c*) any such building, together with the land appertaining thereto or any portion thereof,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report.

(Part V.—Chapter XXII.—Bustees.—Sections 348, 349.)

Provided that, notwithstanding anything contained in section 516, if it appears to the Corporation that any such owner is unable, by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the Corporation, have been done by the owners or occupiers of huts within the *bustee*, they may order the same or any portion thereof to be paid out of the Municipal Fund, and in the case of expenses which should be paid by the owner of the *bustee*, they may order the same or any portion thereof to be advanced out of the Municipal Fund, but thereafter to constitute a charge upon such *bustee*.

Disposal by the Corporation of material of huts pulled down.

348. (*1*) If, in carrying out any improvement as provided in section 346, the Corporation cause any hut or portion of a hut to be pulled down, they shall—

(*a*) cause the materials of such hut or portion of a hut to be given to the owner of the hut if such owner elects to take them; or

(*b*) if the owner does not elect to take the materials, or if the owner be unknown or the title to the hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 347.

(*2*) Any amount held in deposit under clause (*b*) of sub-section (*1*) shall be so held by the Corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(*3*) A Court of Small Causes shall be deemed to be a competent Court for the purposes of this section.

Power to Corporation to purchase or acquire masonry buildings or land in *bustees*.

349. The Corporation may, at any time after the receipt of a report made under section 344, purchase or acquire—

(*a*) any masonry building within such *bustee*, or

(*b*) any land appertaining to such building, or

(*c*) any such building, together with the land appertaining thereto or any portion thereof,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report.

(Part V.—Chapter XXII.—Bustees.—Sections 350, 351.)

Application of sections 341 to 343 to *bustee* for which standard plan has been approved under section 345.

350. When a standard plan of a *bustee*, and any Schedule B, annexed to the report made under section 344 with respect to that *bustee* have been approved under section 345,—

(*a*) the provisions of section 341 shall apply to such *bustee*, and

(*b*) the provisions of sections 342 and 343 shall apply to such *bustee* in respect of the improvements indicated in that schedule as provided in section 344, sub-section (*4*).

Alternative power to Corporation to make standard plan, to purchase or acquire *bustee*, and to carry out improvements themselves or through purchaser or lessee.

351. (*1*) Notwithstanding anything contained in sections 345 to 350, the Corporation may, after receipt of a report made under section 344 with respect to any *bustee*, and after giving an opportunity of being heard to the owner thereof, pass a resolution to the effect that the *bustee* is an unhealthy area and that, in their opinion, the purchase or acquisition of the *bustee* or of any portion thereof be necessary for the purpose of making the improvements referred to in the said report.

(*2*) When any such resolution has been passed, the Corporation shall make a plan for the improvement of the said *bustee* or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said *bustee* or portion thereof, and such plan shall be deemed to be the standard plan of the *bustee*.

(*3*) When any *bustee* or portion of a *bustee* has been so purchased or acquired, the Corporation shall, as soon as is reasonably practicable, either—

(*a*) sell or let the same or part thereof to any person for the purpose and under the condition that he will, as respects the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(*b*) themselves bring the said *bustee* or portion thereof or any part of the same which has not been sold or leased under clause (*a*) into conformity with such standard plan, or

(*c*) proceed under the provisions of section 468 to take measures for the erection of sanitary dwellings for the working classes, or for the poorer classes, or for both, on such land.

(*4*) Whenever the Corporation decide to sell or let under sub-section (*3*) any *bustee* or portion thereof so purchased or acquired from any person, they shall offer

to the said person or his heirs, executors or administrators a prior right to purchase or take on lease such *bustee* when disposing of the same under sub-section (*3*), if such person applies in this behalf, at such rate and on such terms and conditions as may be fixed by the Corporation, if the Corporation consider that such a right can be given without detriment to the carrying out of the purposes of this Act. If more than one person applies to the Corporation that a *bustee* or portion thereof be sold or let to him, the Corporation shall determine which of such persons has the prior right to take such *bustee* under this section.

(*5*) Whenever action is taken under clause (*a*) of sub-section (*3*), the provisions of sub-section (*2*) or sub-section (*3*) of section 471, as the case may be, shall be applicable.

Proportions of area of *bustee* to be shown in standard plan as streets, passages and open lands.

352. (*1*) No standard plan approved for a *bustee* under this chapter shall, without the consent of the owner thereof, show more than—

(*a*) one-fourth of the whole area of such *bustee* as streets or passages, or

(*b*) one-third of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of huts.

(*2*) In calculating the said proportions of one-fourth and one-third of any such area, no tank situated therein that has not been filled up shall be taken into account.

Regulation of plots by standard plan, and compensation for adjustment of plots.

353. (*1*) When the land included in a *bustee* is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this chapter for such *bustee* shall, as far as practicable, provide—

(*a*) for one or more huts being completely contained in each such plot, and

(*b*) for such portion of each such plot being taken for streets, passages and open land as is specified in section 352.

(*2*) If a greater proportion of any one such plot than the proportion specified in section 352 is so taken, such standard plan shall indicate—

(*i*) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation, the same shall be paid by the Corporation.

(4) Any compensation payable under this section to the owner of any land in a *bustee* shall not be paid until such land has been brought into complete conformity with the standard plan.

Streets and passages shown in standard plan, if not public streets, to remain private.

354. (1) Every street or passage in a *bustee* which is shown in the standard plan approved under this chapter for that *bustee*, and which is not already a public street, shall, unless the Corporation and the owners of the land on which such street or passage is situated otherwise consent as provided in section 318, be deemed to be a private street; and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street or passage which is situated on land purchased or acquired by the Corporation under section 349 shall remain the property of the Corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the Corporation may require, and shall also be kept open for the use of all the tenants of the *bustee*:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a "public street" in clause (57) of section 3. IX of 1908.

Bathing arrangements and privy accommodation in *bustee*, as shown in standard plan to be kept open for use of tenants.

355. The bathing arrangements and privy accommodation in a *bustee*, which are shown in the standard plan approved under this chapter for such *bustee* as being common to the use of all or some of the tenants of the *bustee*, shall at all times be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, if at any time the land on which any such bathing arrangements or privy

accommodation are provided ceases to form part of such *bustee*, on such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of such land.

356. (*1*) The owner of any land in a *bustee*, for which a standard plan has been approved under this chapter, shall maintain in proper order and repair, to the satisfaction of the Corporation, such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works on such land as may be shown in the plan.

Owner of land in *bustee* to maintain certain conveniences on his land.

(*2*) The Corporation may, at any time, cause a written notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works:

Provided that any convenience made by the owner of a hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the *bustee*.

(*3*) If the Corporation are satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the *bustee*, the Corporation may, if they think it desirable to do so, call upon such tenant or any one or more of such tenants by a written notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

357. (*1*) The owner of any land in a *bustee* for which a standard plan has been approved under this chapter, shall be deemed to be the occupier of—

Rights of land-owner and hut-owner, respectively, over streets, land and drains shown in standard plan.

(*a*) all the streets, passages and common ground,

(*b*) all drains provided for the use of more than one hut, and

(*c*) the common bathing arrangements, common privies and means of lighting the *bustee*,

on such land, so far as the same are constructed in accordance with the standard plan.

(2) The owner of any hut in such *bustee* shall be deemed to be the occupier of—

(i) the land on which such hut stands,

(ii) the open space behind such hut which appertains thereto, and

(iii) every drain, privy, means of lighting or water-connection (if any) provided for the sole use of such hut.

Bustee when to be deemed a remodelled *bustee*.

358. When a *bustee* has been brought into conformity with the standard plan approved under this chapter for such *bustee*, it shall be deemed to be a remodelled *bustee*.

Power to owner to take land out of the category of *bustee* in certain cases.

359. (1) The owner of any land included in a *bustee* and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the *bustee* has been prepared under this chapter or not, send a written notice to the Corporation that he intends to remove all the huts standing on such land:

Provided that the receipt of any such notice by the Corporation shall not be a bar to the approval by the Corporation, under this chapter, of a standard plan of such *bustee*.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building which is a hut or adding to any hut standing thereon.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the Corporation may from time to time allow, remove all huts standing on such land; and, if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such huts have been so removed, such land shall, according to its situation, either—

(i) be altogether excluded from the limits of the *bustee*, or

(ii) be shown in a standard plan approved for the *bustee* under this chapter, as not being a part of such *bustee*:

Provided that, if in the standard plan any street or passage is shown on such land, the provisions of sections 343, 346, 350, 354, 356 and 357 shall, with all necessary modifications, be deemed to apply to such street or passage unless the Corporation otherwise direct.

(Part V.—Chapter XXII.—Bustees.—Section 360.)

(*5*) If, after all the huts standing on any land have been removed under sub-section (*3*), any application is received for erecting any hut on such land, the Corporation may, by written notice, require the owner of the land to carry out such improvements included in the standard plan as they may think fit.

(*6*) When all the huts standing on any land within a *bustee* have been removed under sub-section (*3*), the Corporation may either—

(*a*) cancel the standard plan (if any) already approved, under this chapter, for such *bustee*, or

(*b*) modify such plan, after hearing the objections (if any) of any owner of land included in such *bustee*.

(*7*) Where any land, formerly included in a *bustee*, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included the Corporation do not consider it to be practicable or do not consider it to be expedient to change the alignment of such street, they shall, in applying the proviso to sub-section (*4*) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of land which ceases to be included in the *bustee*.

Bustee streets.

360. (*1*) In any *bustee*, in respect of which a standard plan has not been prepared, or in any area in which it appears to the Corporation that huts are likely to be erected, the Corporation may, after hearing the objections, if any, of any owner of land in such *bustee*, prescribe alignments, not more than sixteen feet in width, for such private streets as they may think fit.

Power to Corporation to prescribe alignments for *bustee* streets.

(*2*) When the land within such *bustee* or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall, as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fifth of the area thereof and shall not ordinarily be less than two hundred and fifty feet apart.

(Part V.—Chapter XXII.—Bustees.—Sections 361, 362.)

(3) If, in any such plot, more than one-fifth of the area thereof is occupied by such alignments, the Corporation shall pay reasonable compensation to the owner of the plot:

Provided that no such compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No hut or portion of a hut shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 354 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

Power to Corporation to require removal of existing huts within street or hut alignment in *bustee*.

361. (1) In any *bustee*, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(a) for a street under section 360, or

(b) for huts under rule 66 of Schedule XVII,

the Corporation may, by written notice, require the owner of the land or the owners or occupiers of existing huts to remove such huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed hut alignment,

as the case may be.

(2) When a hut has been removed under the provisions of sub-section (1), the Corporation shall pay to the owner thereof such compensation as they may consider to be reasonable, but such compensation shall in no case exceed the value of the hut less the value of the materials thereof.

Power to Corporation to require space to be kept between masonry building in *bustee* and centre line of *bustee* street.

362. Any person who erects a masonry building—

(a) in any *bustee* in respect of which a standard plan has been approved under section 338, 339 or 345, or

(b) in any *bustee* or area in respect of which alignments for streets have been prescribed under section 360,

shall, if so required by written notice issued by the Corporation, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.

CHAPTER XXIII.

DEMOLITION, ALTERATION AND STOPPING OF UNLAWFUL WORK.

Demolition or alteration of building work unlawfully commenced, carried on or completed.

363. *(1)* If the Corporation are satisfied—

(1) that the erection of any new building—

(*a*) has been commenced without obtaining the written permission of the Corporation, or

(*b*) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is being carried on or has been completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or under such rules or by-laws, or

(2) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of, or otherwise than in accordance with, any sanction granted under sections 330, 340 or 341, or

(3) that any alterations required by any notice issued under rule 22 of Schedule XVII have not been duly made,

they may, after giving the owner of such building an opportunity of being heard, apply to a Magistrate, and such Magistrate may make an order directing that

such erection, alteration, addition or other work, as the case may be, or so much thereof as has been executed unlawfully as mentioned in clauses (*1*), (*2*) or (*3*),

or that any structure, specified under the *Explanation* to clause (*d*) of rule 53, or the *Explanation* to clause (*iv*) of rule 81, of Schedule XVII as a structure to be demolished or altered, shall—

(*i*) be demolished by the owner thereof or altered by him in accordance with the order of the Magistrate to the satisfaction of the Corporation, as the case may require, or

(*ii*) be demolished or altered by the Corporation at the expense of the said owner:

Provided that the Magistrate—

(*a*) shall not make any order under this section without giving the owner and occupier of the building to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and

(*b*) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate:

Provided that where the Corporation have instituted proceedings under section 493, no application shall be made under this section.

(*2*) Notwithstanding anything contained in sub-section (*1*), no proceedings shall be instituted thereunder in respect of any work which has been done more than five years before the institution of such proceedings:

Provided that the onus of proving that the work was done more than five years previously shall lie on the owner.

Demolition or alteration of work in other cases.

364. (*1*) In any of the following cases, namely,—

(*1*) if, within the period prescribed in any notice issued under section 299, sub-section (*1*), requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same be not duly removed or altered, or

(Part V.—Chapter XXIII.—Demolition, alteration and stopping of unlawful work.—Section 364.)

(*2*) if the owner of any building erected or added to between a street alignment and the building-line fails to remove such building or addition when called upon by the Corporation to do so or under section 303, sub-section (*3*), or

(*3*) if any person who makes any additions to a building in pursuance of an agreement executed under the proviso to sub-section (*1*) of section 303, fails to remove such additions when called upon by the Corporation to do so, or

(*4*) if the owner of any building erected or added to under the provisions of section 309 fails to remove such building or addition when called upon to do so, or

(*5*) if the owner of any building, which is unfit for human habitation, fails to demolish such building when required to do so under section 382, sub-section (*2*), or

(*6*) if any privy or urinal be placed in contravention of rule 21 or rule 22, sub-rule (*1*), of Schedule XV, or

(*7*) if, within the period prescribed in any notice issued under rule 2, sub-rule (*5*), of Schedule XVI, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or

(*8*) if, within the period prescribed in any notice issued under rule 2, sub-rule (*6*), of Schedule XVI, requiring the owner or occupier of a building to remove a verandah or other projection, the same be not duly removed, or

(*9*) if, within the period prescribed in any notice issued under rule 7, sub-rule (*2*), of Schedule XVII, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same be not duly removed or altered, or

(*10*) if any owners or occupiers neglect to execute any works or to take any measures required by any notice affixed under rule 6, sub-rule (*1*), of Schedule XVIII,

the Corporation may apply to a Magistrate, and such Magistrate may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, privy or urinal, as the case may be, shall—

(*a*) be demolished by the owner thereof or altered by him to the satisfaction of the Corporation, or

(*b*) be demolished or altered by the Corporation at the expense of such owner:

Provided that, before making such application, the Corporation shall give the owner or occupier an opportunity of being heard on his behalf:

Provided also that the Magistrate—

(*i*) shall not make any order under this section without giving the owner and occupier of the structure to be so demolished or altered full opportunity of adducing evidence and of being heard in his defence, and

(*ii*) may make any such order notwithstanding the fact that a valuation of such building has been made by the Executive Officer under Chapter X for the assessment of the consolidated rate:

Provided also that where the Corporation have instituted proceedings under section 493, no application shall be made under this section.

(*2*) The provision of sub-section (*2*) of section 363 shall apply, *mutatis mutandis*, to the institution of proceedings under this section.

Power to Corporation to stop progress of building work unlawfully commenced or carried on.

365. (*1*) In any case in which the erection of a new building, or any other work referred to in section 363, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or other unlawful work to stop the same, pending the decision of a Magistrate on an application to be made to him under that section.

(*2*) If any notice issued under sub-section (*1*) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as they may deem needful in order to stop the continuance of the unlawful work.

(Part V.—Chapter XXIV.—Lighting and scavenging, and regulation of public bathing and washing.—Section 366.)

(*3*) If it appears to the Corporation that it is necessary, in order to prevent the continuation of the unlawful work, to depute any police or municipal officer to watch the premises, they may require the person to whom the said notice was addressed to bear the cost of providing the same.

(*4*) Pending the decision of the Magistrate in accordance with sub-section (*1*), the Corporation may hear the person concerned and thereupon determine whether their order for stopping the work shall remain in force or shall be suspended until the Magistrate makes his decision.

CHAPTER XXIV.

LIGHTING AND SCAVENGING, AND REGULATION OF PUBLIC BATHING AND WASHING.

Lighting.

Provision for lighting of public streets, squares, gardens, markets and buildings.

366. (*1*) The Corporation shall—

(*a*) take measures for lighting, in a suitable manner, the public streets, squares and gardens and municipal markets and all buildings vested in the Corporation;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may from time to time determine.

(*2*) The Corporation may place and maintain—

(*i*) electric wires or gas-pipes for the purpose of lighting such lamps under, over, along or across any immovable property, and

(*ii*) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other suitable contrivance for carrying, suspending or supporting such lamps, gas-pipes or electric wires in or upon any immovable property:

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or nuisance to any person as the circumstances permit.

(*3*) Notwithstanding anything contained in the Indian Electricity Act, 1910, the Corporation shall not be liable, except on the ground of negligence, to any claim for compensation for any damage, detriment, inconvenience or nuisance caused by them, or by anyone employed by them, in the exercise of any of the powers conferred by sub-section (*2*). IX of 1910.

Provision for lighting of private street by Corporation on application of owner.

367. The Corporation, on the application of the owners of a private street, may enter into arrangements for the lighting of such street on such terms as may be agreed upon between them and such owners, and shall thereafter in respect of such street have all the powers conferred by section 366.

Streets, etc., not to be constructed over municipal gas-pipe without permission.

368. (*1*) Without the written permission of the Corporation—

(*a*) no private street shall be constructed, and

(*b*) no building, wall or other structure shall be newly erected,

over any gas-pipe belonging to the Corporation.

(*2*) If any private street be so constructed, or if any building, wall or structure be so erected, the Corporation may cause the same to be removed or otherwise dealt with as they may think fit,

and the expenses incurred by the Corporation in so doing shall, in the discretion of the Corporation, be paid by the owner thereof or by the person offending.

Keeping of animals.

Prohibition as to keeping animals.

369. No person shall—

(*a*) without the written permission of the Corporation, or otherwise than in conformity with the terms of such permission, keep any swine in any part of Calcutta;

(*b*) keep any animal on his premises so as to be a nuisance or dangerous; or

(*c*) feed any animal, or suffer or permit any animal to be fed or to feed, with or upon sewage or offensive matter.

370. Any swine found straying may be forthwith destroyed, and the carcasses thereof disposed of, as the Executive Officer may direct; and no claim shall lie for compensation for any swine so destroyed. Destruction of stray swine.

Scavenging.

371. (*1*) The Corporation shall provide or appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in Calcutta: Provision or appointment of receptacles, depôts and places for deposit or disposal of rubbish, offensive matter, sewage and carcasses.

Provided as follows:—

(*i*) the said things shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of without the sanction of the Corporation, or in any place or manner which the [1][Provincial Government] may disallow;

(*ii*) the powers conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

(*2*) Any land that may be required in a *bustee* for the temporary deposit of rubbish, offensive matter, sewage or carcasses taken from land or buildings in such *bustee* shall be provided by the owner of the *bustee*.

(*3*) All things deposited in receptacles, depôts or places provided or appointed under this section shall be the property of the Corporation.

372. (*1*) The Corporation may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of Calcutta specified in the notice shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.

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[1]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XXIV.—Lighting and scavenging, and regulation of public bathing and washing.—Section 373.)

be provided by such occupier and kept near the entrance to, or, where open space is available, within, the premises.

(*2*) The Corporation may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (*1*) is for the time being in force,

and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacles, shall be collected by the occupier of such premises and deposited in such receptacle.

(*3*) The Corporation may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (*1*) or sub-section (*2*) is for the time being in force shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(*4*) In any notice issued under any of the foregoing sub-sections the Corporation shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.

Collection and removal of rubbish and offensive matter accumulating in the course of business or building operations.

373. Notwithstanding anything contained in section 372, when building operations are being carried on in any premises, or when any premises are used for carrying on any manufacture, trade or business, the Corporation may,—

(*a*) by written notice, direct the occupier of such premises to collect all rubbish and offensive matter accumulating on such premises in the course of such operations, manufacture, trade or business and to remove the same, at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a public receptacle, depôt or place provided or appointed under section 371; or

(*b*) after giving such occupier written notice of their intention to do so, themselves cause all the rubbish and offensive matter to be

removed, and charge the occupier for such removal such periodical fee as may be specified in the notice:

Provided that the requisition under clause (*a*) shall not be enforced by the Corporation, nor shall action be taken by them under clause (*b*) until the occupier of the premises has been given an opportunity of being heard within such time as may be specified in the written notice that is served on him.

374. The Corporation shall maintain an establishment for the removal of sewage from privies and urinals which are not connected with a sewer, and of offensive matter and rubbish from receptacles, depôts and places provided or appointed under section 371, or under any by-law made under this Act, and for the daily cleansing and scavenging of streets and premises. Establishment for removal of sewage, etc., and the scavenging of streets.

375. If in any case it is proved that rubbish, offensive matter or sewage has been deposited in any place in contravention of any by-law made under this Act, from some land or building, it shall be presumed, unless and until the contrary is proved, that the offence has been committed by the occupier of the said land or building. Presumption as to offender.

376. No *mehter* or other servant of the Corporation, who is employed to remove or otherwise deal with sewage, offensive matter or rubbish, shall, without the permission of the Corporation, withdraw from his duties without giving written notice, not less than one month previously, of his intention so to withdraw. Notice to be given by *mehters*, etc., before withdrawing from work.

Public bathing and washing.

377. The Corporation may from time to time— Construction of places for public bathing, etc.

(*a*) construct suitable places for use by the public as swimming baths or for bathing, or for washing animals, or for washing or drying clothes, and

(*b*) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so constructed.

(Part V.—Chapter XXV.—Municipal railways.—Sections 378, 379.)

CHAPTER XXV.

MUNICIPAL RAILWAYS.

Power to Corporation to construct, lease and otherwise deal with railways.

378. With the previous sanction of the [1][Federal Railway Authority and the Provincial Government], the Corporation may—

(*a*) upon any of the public streets in Calcutta, or upon any land within or without Calcutta which is vested in the Corporation, construct or maintain any railway which may appear to them to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(*b*) use and employ upon any such railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the Corporation may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway within or without Calcutta,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person, upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person, upon such terms and under such conditions and restrictions as may be mutually agreed upon.

Certain powers to lessee of Corporation's railway.

379. Any person to whom a railway is leased under clause (*g*) of section 378 shall, subject to the terms, conditions and restrictions of his lease, have the same powers for—

(*i*) maintaining the railway,

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[1]These words were substituted for the words "Governor General in Council" by Schedule IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

(ii) using and employing thereupon locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby, and

(iii) carrying and conveying thereupon passengers and goods and making charges in respect thereof,

as the Corporation would have had if the railway had not been so leased.

CHAPTER XXVI.

INSPECTION AND REGULATION OF PREMISES, AND OF FACTORIES, TRADES AND PLACES OF PUBLIC RESORT.

Premises generally.

380. Subject to the provisions of this Act, land and buildings shall respectively be inspected, cleansed, secured, repaired, drained, or otherwise regulated in accordance with the rules contained in Schedule XVIII.

Inspection and regulation of premises.

381. (1) If, for any reason, any building or portion of a building intended for, or used as, a dwelling-place appears to the Corporation to be unfit for human habitation, they may require the owner or occupier of such building to make such alterations as they think necessary in the building in order to make it fit for human habitation, if they consider that this can be done; but whether they think it can be made fit for human habitation or not, they may, in either case, after giving the owner or occupier an opportunity of being heard, apply to a Magistrate to prohibit the further use of such building or portion thereof for such purpose;

Procedure in cases of buildings deemed unfit for human habitation.

and the Magistrate shall serve a notice on such owner or occupier so as to give him an opportunity of being heard in the Court, and, after such inquiry as he thinks fit to make, may, by written order, prohibit the further use thereof, or may pass such other order as he may deem just and proper.

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Section 382.)

(*2*) When any such prohibition has been made, the Corporation may—

(*i*) inspect such building by day or by night, and

(*ii*) take such order as may be necessary to preclude the further use of the same, or of the portion specified in the prohibition, as a human habitation.

(*3*) When any such prohibition has been made, no owner or occupier of such building shall use, or suffer the same, or the portion specified in the prohibition, to be used for human habitation until—

(*a*) the Executive Officer certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or

(*b*) a Magistrate, by written order, withdraws the prohibition.

(*4*) The Corporation shall prepare and maintain at the Municipal office a list of buildings in respect of which the Magistrate has passed an order under sub-section (*1*), and such list shall contain such particulars as to the action taken by the Corporation or the owner in pursuance of such order or otherwise, as the Executive Officer shall think fit and shall be open to inspection by the public free of charge.

Power to Corporation to require demolition of, or execution of work on, building unfit for human habitation.

382. (*1*) When a Magistrate has prohibited the use of a building for human habitation under section 381 and such prohibition has been in force for three months, the Corporation shall take into consideration the question of the demolition of such building,

and shall give notice of the time (being some time not less than one month after the service of the notice) and place at which such question will be considered to the owner and to the occupier (if any) of the building,

and the said owner and occupier shall be entitled to be heard when the question is so taken into consideration.

(*2*) If, upon such consideration, the Corporation are of opinion that building has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit,

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Section 383.)

they shall cause a written notice to be served on the said owner and occupier and also to be put on some conspicuous part of such building, requiring such owner and occupier to demolish the building or any portion thereof, as the case may be, or to execute such work as in the opinion of the Corporation may be necessary to render the building fit for human habitation.

(*3*) If such owner or occupier undertakes to execute with due diligence the work necessary to render the building fit for human habitation, and the Corporation consider that it can be so rendered fit for human habitation,

the Corporation may postpone the operation of the said notice for such time as they think sufficient for the purpose of giving the said owner or occupier an opportunity of executing the necessary work.

383. (*1*) The owner of any building shall, within a period of a fortnight after receipt of a written notice from the Corporation requiring him to do so, submit to the Corporation a signed statement of the following particulars with respect to such building or any part thereof, namely— **Power to Corporation to call for statement of accommodation.**

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement, with the particulars specified in clauses (*a*) and (*b*) in regard to each such part.

(*2*) The occupier of any building or of any part of any building occupied as a separate tenement shall, on like notice and within the like period, submit a signed statement of the following particulars with respect to the building or part thereof, as the case may be, which is in his occupation, namely,—

(*i*) the total number of persons dwelling in such building or part, and

(*ii*) the total number of adults and the total number of children occupying each room used for sleeping.

Abatement of overcrowding in dwelling-house or dwelling-place.

384. (*1*) If it comes to the knowledge of the Corporation from a statement received under section 383, or after an inspection made under rule 1 of Schedule XVIII, or in any other way, that a dwelling-house, or a public building or hut which is used as a dwelling-place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, they may require the owner to abate such overcrowding in the manner specified in such requisition. After giving the owner an opportunity of being heard in regard to such requisition, the Corporation may direct him within such time as they may fix to take such measures as they think fit to abate such overcrowding. If the owner fails to take such measures, the Corporation may apply to the Magistrate to abate such overcrowding.

The Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within such time as the Magistrate may prescribe in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

Every such order shall be binding and operative on the owner as well as on the occupier, and every occupier shall, on the written requisition of the Corporation informing him of the order, be bound to vacate the same within such time as may be specified in such requisition.

(*2*) If the owner of any building or room referred to in sub-section (*1*) has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

Factories, trades and places of public resort.

Factory, etc., not to be newly established, etc., without permission of the Corporation.

385. (*1*) No person shall, without the previous written permission of the Corporation, newly establish, in any premises, or materially alter, enlarge or extend, any factory, workshop or workplace in which it is intended to employ steam, electricity, water or other mechanical power.

(*2*) The Corporation may refuse to give such permission, if they are of opinion that the establishment, alteration, enlargement or extension of such factory, workshop, or workplace in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

Premises not to be used for certain purposes without a license.

386. (*1*) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf, namely,—

(*a*) any of the purposes specified in Schedule XIX;

(*b*) any purpose which is, in the opinion of the Corporation, dangerous to life, health or property, or likely to create a nuisance;

(*c*) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof; or

(*d*) storing for other than his own domestic use or selling timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing:

Provided that the Corporation may declare that premises in which the aggregate quantity of combustible articles stored for sale does not exceed such quantity as the Corporation may prescribe in respect of any such articles shall be exempted from the operation of clause (*d*).

(*2*) In prescribing the terms of a license granted under this section for the use of premises as mills or iron yards or for similar purposes, the Corporation may, when they think it practicable, require the licensee to provide a space or passage within the curtilage of the premises for carts for loading and unloading purposes.

(*3*) The Corporation shall fix a scale of fees to be paid in respect of premises licensed under sub-section (*1*):

Provided that no such fee shall exceed five hundred rupees.

Power to Corporation to prevent use of premises in particular areas for purposes referred to in section 386.

387. (*1*) The Corporation may give public notice of their intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in section 386, sub-section (*1*), which may be specified in such notice.

(*2*) No objections to any such declaration shall be received after a period of one month from the publication of such notice.

(*3*) The Corporation shall consider all objections received within the said period, giving any person affected by the said notice an opportunity of being heard by them during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (*1*), with such modifications (if any) as they may think fit, but not so as to extend its application.

(*4*) Every such declaration shall be published in the [1][*Official Gazette*], and in such other manner as the Corporation may determine, and shall take effect from the date of such publication in the [1][*Official Gazette*].

(*5*) No person shall in any area specified in any such declaration use any premises for any of the said purposes.

Discontinuance of use of premises for particular purpose, when kept so as to be a nuisance.

388. Whenever a Magistrate imposes a fine on any person under section 488 for using or permitting the use of any premises for any purpose in contravention of section 386, sub-section (*1*), he may, if it is proved to his satisfaction that such premises are kept in such a state as to be a nuisance, also direct that they shall no longer be used for the said purpose.

Prohibition of fouling of water in carrying on trade or manufacture.

389. (*1*) No person engaged in any trade or manufacture specified in Schedule XIX shall—

(*a*) wilfully cause or suffer to flow or be brought into any tank, reservoir, cistern, well, duct or other place for the storage or accumulation of water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture; or

(*b*) wilfully do any act connected with any such trade or manufacture whereby the water in any such tank, reservoir, cistern, well, duct or other place is fouled or corrupted.

(*2*) The Corporation may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade, lay open and examine the said works, pipes or conduits.

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[1]*See* footnote 2 on p. 2, *ante*.

(Part V.—Chapter XXVI.—Inspection and regulation of premises, and of factories, trades and places of public resort.—Chapter XXVII.—Markets, bazars and slaughter-places.—Sections 390—392.)

(*3*) If upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Corporation, in their discretion, may require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened.

(*4*) If, upon such examination, it appears that there has been no contravention of sub-section (*1*), the said expenses and compensation for any damage occasioned by the said laying open and examination, shall be paid by the Corporation.

Eating-houses, etc., not to be used without license from Corporation.

390. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf, keep any eating-house, tea-shop, hotel, boarding-house, bakery, aerated water factory, ice factory or other place where food is sold or prepared for sale:

Provided that the fee payable for any such license shall in no case exceed one rupee.

(*2*) The Corporation may at any time cancel or suspend any such license if they are of opinion that the premises covered thereby are not kept in conformity with the conditions of such license or the provisions of any by-law made under section 478, relating to such premises, whether the licensee is prosecuted under this Act or not.

Licensing and control of theatres, circuses and places of public amusement.

391. No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf, keep open any theatre, circus or other similar place of public resort, recreation or amusement:

Provided that this section shall not apply to private performances in any such place.

CHAPTER XXVII.

MARKETS, BAZARS AND SLAUGHTER-PLACES.

Power to Corporation to provide and maintain municipal markets, slaughter-houses and stock-yards.

392. (*1*) The Corporation may—

(*a*) construct, purchase or take on lease any land or building for the purpose of establishing a new municipal market or a new municipal

slaughter-house or municipal stock-yard, or of extending or improving any existing municipal market, municipal slaughter-house or municipal stock-yards, and

(b) from time to time build and maintain such municipal markets, municipal slaughter-houses and municipal stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter-houses or stock-yards, and provide and maintain in such municipal markets such buildings, places, machines, and correct weights, scales and measures for weighing and measuring goods sold therein, as they may think fit.

(2) Municipal slaughter-houses and municipal stock-yards may be situated in or, with the sanction of the [1][Provincial Government], without Calcutta.

Power to Corporation to close municipal markets, slaughter-houses and stock-yards.

393. The Corporation may at any time close any municipal market, municipal slaughter-house or municipal stock-yard or any portion thereof; and the premises occupied for any market, slaughter-house or stock-yard or portion so closed may be disposed of as the property of the Corporation.

Power to Corporation to license vendors in municipal markets.

394. (1) No person shall, without a license from the Corporation, sell or expose for sale any animal or article in any municipal market:

Provided that no fee shall be charged for such license.

(2) Any person contravening sub-section (1) may be summarily removed from such market by any municipal officer or servant.

Power to Corporation to permit opening of new private markets.

395. (1) The Corporation shall form time to time determine whether the establishment of new private markets shall be permitted in Calcutta or in any specified portion thereof.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Corporation.

(3) When the establishment of a new private market has been so sanctioned, the Corporation shall cause a

[1]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XXVII.—Markets, bazars and slaughter-places.—Section 396.)

notice of such sanction to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Power to Corporation to license private markets, slaughter-houses and stock-yards.

396. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf,—

(*a*) keep open any private market, or wilfully or negligently permit any place to be used as a private market;

(*b*) use any place in Calcutta as a slaughter-house or stock-yard, or for the slaughtering of any animal intended for human food; or

(*c*) use any place without Calcutta, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in Calcutta:

Provided as follows:—

(*i*) the Corporation shall not refuse, suspend or cancel any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some by-law made under section 478, at the time in force;

(*ii*) nothing in the foregoing provisions of this section shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony;

(*iii*) nothing in the foregoing provisions of this section shall be deemed to prevent the Corporation from setting apart places for the sacrifice of animals in accordance with religious custom, and for the sale of the flesh thereof.

(*2*) Every such license shall be renewable triennially on the certificate of the Health Officer.

(*3*) There shall be paid for every license granted under sub-section (*1*) and in respect of every place set apart under proviso (*iii*) to that sub-section such annual fee as may be prescribed by the Corporation.

(*4*) If any private market or any place set apart under proviso (*iii*) to sub-section (*1*) be closed for more than half of any year for which a fee has been paid, the Corporation may refund the whole or any portion of the fee so paid for that year.

(*5*) When the Corporation have refused, suspended or cancelled any license to keep open a private market, they shall cause a notice of their having done so to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Power to Magistrate to close unauthorized private market.

397. Whenever a Magistrate imposes a fine on any person under section 488 for keeping open a private market or permitting any place to be used as a private market in contravention of section 396, sub-section (*1*), he shall, on the application of the Corporation, but not otherwise, also direct that such market be closed and appoint persons, or take other steps, to prevent the place being used as a market.

Prohibition of use of market so closed.

398. No person shall use as a market any place in respect of which a direction has been given by a Magistrate under section 397.

Power to Corporation to require paving and draining of private markets, etc., and to alter structures in such markets.

399. The Corporation may, by written notice, require the owner or occupier of any private market, *bazar*, private slaughter-house or place set apart under proviso (*iii*) to sub-section (*1*) of section 396—

(*a*) to cause the whole or any portion of the floor of the market-building, market-place, *bazar*, slaughter-house or place set apart as aforesaid to be raised or paved with dressed stone or other suitable material,

(*b*) to cause such drains to be made in or from the market-building, market-place, *bazar*, slaughter-house or place set apart as aforesaid, of such material, size and description, at such level, and with such outfall as to the Corporation may appear necessary, and

(*c*) to cause any shop, stall, shed or other structure in any such private market to be altered or improved in such manner as the Corporation may consider necessary.

Power to Corporation to define limits of market, and to require provision and maintenance of market approaches, etc.

400. (*1*) The Corporation may—

(*a*) define or determine the limits of any private market or *bazar*, or declare what portions of such market or *bazar* shall be made part of the existing approaches, roads, passages and ways to and in such market or *bazar*, and,

(*b*) after hearing the owner or occupier of such market or *bazar*, by written notice, require such owner or occupier to—

(*i*) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Corporation, such approaches, roads, passages and ways to and in such market or *bazar*,

(*ii*) provide such conveniences for the use of persons resorting to such market or *bazar*, as the Corporation may think fit, and

(*iii*) provide adequate ventilation and lighting of the market building or any portion thereof, including shops and stalls, to the satisfaction of the Corporation.

(*2*) The Corporation, after hearing the owner or occupier of any private market or *bazar* may, by written notice, require such owner or occupier to maintain in proper order the approaches, roads, passages and ways to and in such market or *bazar*, and such other conveniences as are provided for the use of persons resorting thereto.

(*3*) The Corporation shall cause a notice of the limits of any market or *bazar*, defined under sub-section (*1*), to be affixed in the English, Bengali, Hindi and Urdu languages on some conspicuous spot on or near the building or place where such market or *bazar* is held.

Power to Corporation to levy charges, farm rents, etc., in municipal markets, etc.

401. The Corporation may—

(*a*) charge such stallages, rents and fees—

(*i*) for the occupation or use of any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard,

(*ii*) for the right to expose goods for sale in a municipal market,

(*iii*) for the use of machines, weights, scales and measures provided under clause (*b*) of sub-section (*1*) of section 392 for any municipal market, and

(*iv*) for the right to slaughter animals in any municipal slaughter-house, and for the feed of such animals before they are ready for slaughter,

as may from time to time be fixed by them in this behalf; or,

(*b*) farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for such period as they may think fit; or

(*c*) put up to public auction, or dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market, municipal slaughter-house or municipal stock-yard, for such period and on such conditions as they may think fit.

By-laws and table of charges to be posted up in markets and slaughter-houses.

402. (*1*) A printed copy of the by-laws made under section 478 and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under section 401, in the English, Bengali and Urdu languages, shall be affixed on some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall without lawful authority destroy, pull down, injure or deface any copy of any by-law or table so affixed.

Power to Corporation to expel person contravening by-laws.

403. (*1*) The Corporation, after giving the parties concerned an opportunity of being heard, may—

(*a*) expel from any municipal market, municipal slaughter-house or municipal stock-yard, for such period as they may think fit, any person who or whose servant has been convicted of contravening any by-law made under section 478, at the time in force in such market, slaughter-house or stock-yard,

(*b*) prevent such person, by himself or his servants, from further carrying on any trade or business in such market, slaughter-house or stock-yard, or occupying any stall, shop, standing, shed, pen or other place therein, and

(*c*) determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

(*2*) If the tenant, or the agent of the tenant, of the owner or lessee of any private market or slaughter-house has been convicted for contravening any by-law made under section 478 and specified by the Corporation

in this behalf, the Corporation may require such tenant or agent to remove himself from such market or slaughter-house, within such time as may be mentioned in the requisition, and if he fails to comply with such requisition, he may, in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises by the owner or lessee thereof or by the servants of such owner or lessee.

(3) If it appears to the Corporation that in any such case the owner or lessee is acting in collusion with a tenant or agent convicted as aforesaid who fails to comply with a requisition issued under sub-section (2), the Corporation may, if they think fit, cancel the license of such owner or lessee in respect of such premises.

Depots or shops for trading in food-stuffs, etc., in cases of emergency.

404. Whenever an emergency arises which in the opinion of the Corporation makes it advisable to open depôts or shops for the purpose of trading in food-stuffs, fuel, cloth and other similar necessaries of life, they may, with the previous sanction of the [1][Provincial Government] and subject to such conditions and limitations as the [1][Provincial Government] may prescribe, open such depôts or shops for any such purpose.

CHAPTER XXVIII.

FOOD AND DRUGS.

Sale of food and drugs.

Licensing of butchers and of sale of meat, etc. outside market.

405. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in this behalf,—

(a) carry on in Calcutta, or at any municipal slaughter-house without Calcutta, the trade or business of a butcher; or

(b) sell or expose or hawk about for sale any four-footed animal, or any meat or fish intended for human consumption, in any place other than a municipal market or a private market.

[1] *See* footnote 1 on p. 2, *ante*.

(2) Nothing in clause (b) of sub-section (1) shall apply—

(a) to the sale of meat or fish in any hotel or eating-house for consumption on the premises, or

(b) to fresh fish sold from, or exposed for sale on, a vessel in which it has been brought direct to Calcutta after being caught at sea or in the river or in private fisheries.

Prohibition of sale, etc., of adulterated or misbranded food or drugs.

406. (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, any food or drug which is adulterated or misbranded:

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely,—

(a) where any matter or ingredient not injurious to health has been added to any article of food or to any drug because the same is required for the production or preparation thereof, as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or

(b) where any article of food or any drug is unavoidably mixed with some extraneous matter in the process of collection or preparation; or

(c) where a patent has been granted under any law for the time being in force in respect of any article of food, and the article is sold in the state required by the specification of the patent.

(2) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale, by him.

(3) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any article of food or any drug found in the possession of a person who is in the habit of manufacturing or storing like articles has been manufactured or stored for sale by such person.

407. (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, any of the following articles, namely,—

Prohibition of sale, etc., of certain articles which are not of the prescribed standard of purity.

(a) milk [1]*

(b) butter,

(c) *ghee*,

(d) wheat flour,

(e) mustard oil,

(f) tea,

(g) edible oil or [2][edible fat], and

(h) any other article of food or any drug which may be notified by the [3][Provincial Government] in that behalf,

unless the following conditions are fulfilled, namely,—

(i) in the case of milk (other than condensed, [4][sterilized] or desiccated milk in hermetically-closed receptacles)—

the animal from which the milk is derived shall be distinctly stated in such manner as the Corporation may, by general or special order, require, and the article sold, exposed or hawked about for sale, or stored for sale, as the case may be, shall be the natural secretion from the udder of such animal, from which no ingredient has been extracted and to which no water or other substance (including any preservative) has been added, and shall not contain a less proportion of non-fatty solids and of fat than such as the [3][Provincial Government] may prescribe;

[1]The brackets and words "(other than condensed or desiccated milk in hermetically-closed receptacles)" were omitted by s. 5 (1) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[2]The words "edible fat" were substituted for the word "fat" by s. 3 (1) of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[3]*See* footnote 1 on p. 2, *ante*.

[4]The word "sterilized" was inserted by s. 5 (2) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[1](ia) in the case of condensed, sterilized or desiccated milk in hermetically-closed receptacles—

each such receptacle shall be labelled and marked in such manner as the [2][Provincial Government] may prescribe and the article sold, exposed or hawked about for sale, or stored for sale, as the case may be, shall not contain a less proportion of non-fatty solids and of milk fat than such as the [2][Provincial Government] may prescribe;

(ii) in the case of butter—

it shall be exclusively derived from milk or cream (other than condensed [3][sterilized] or desiccated milk, or cream), or both, with or without salt [4]* * * and with or without the addition of colouring matter, such [5]* * colouring matter, being of such a nature and in such quantity as not to render the article injurious to health, and shall fulfil such conditions as may be prescribed by the [2][Provincial Government];

(iii) in the case of *ghee*—

it shall contain only substances, other than curds, which are derived exclusively from the milk of cows or of buffaloes, and shall fulfil such conditions as may be prescribed by the [2][Provincial Government];

(iv) in the case of wheat flour—

it shall not contain any substance which is not derived exclusively from wheat;

(v) in the case of mustard oil—

it shall be derived exclusively from mustard seed;

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[1]This clause was inserted by section 5(3) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[2]*See* footnote 1 on p. 2, *ante*.

[3]The word "sterilized" was inserted by s. 5 (4) (a) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV 1930).

[4]The words "or other preservative" were omitted by s. 5 (4) (b) of the same Act.

[5]The words "preservative or" were omitted by s. 5 (4) (b) of the same Act.

(*vi*) in the case of tea—

it shall be the leaves and leaf buds of species of *Thea*, prepared by fermenting, drying and firing; it shall not contain any tea which has been in any measure deprived of its proper quality, strength or virtue by steeping, infusion, decoction or other means, or any foreign matter;

(*vii*) in the case of edible oil or [1][edible fat]—

it must always conform to [2][the specification or] the standard prescribed for the same, provided that if a declaration be made that it is not for human consumption, it is denatured in such a way that it can be easily detected by sight or smell; and

(*viii*) in the case of any food or drug notified by the [3][Provincial Government] under clause (*h*)—

it shall fulfil such conditions as may be prescribed by the [3][Provincial Government] in regard to such food or drug in such notification.

(*2*) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale, or manufacture or store for sale, anything which is similar to any of the articles specified in clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of sub-section (*1*), or to any article notified by the [3][Provincial Government] under clause (*h*) of that sub-section under a name which in any way resembles the name of such article.

(*3*) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed or hawked about for sale, or manufactured or stored for sale, by him.

[1]The words "edible fat" were substituted for the word "fat" by s. 3 (*2*) of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[2]The words "the specification or" were inserted by the same section of the same Act.

[3]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XXVIII.—Food and drugs.— Sections 408—410.)

(4) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any of the articles specified in clauses (a), (b), (c), (d), (e), (f) and (g) of sub-section (1), or any article notified by the [1][Provincial Government] under clause (h) of that sub-section, found in the possession of a person who is in the habit of manufacturing or storing like articles, has been manufactured or stored for sale by such person.

Registration of manufactory.

408. (1) Every manufactory of [2][mustard oil, edible oil or edible fat] within Calcutta shall be registered by the owner or the person in charge thereof in the Corporation office in such manner as the Corporation may from to time direct.

(2) Every owner or person in charge of a manufactory of [2][mustard oil, edible oil or edible fat], and every wholesale dealer in such substances, shall keep a register in the form prescribed by the Corporation, showing the quantity and destination of each consignment of such substances sent out from his manufactory or place of business, and this register shall be open to inspection by any officer duly authorized by the Corporation in this behalf.

Inspection of manufactories.

409. Any officer duly authorized in this behalf by the Corporation shall have power to enter at all reasonable times any manufactories registered under section 408 and to inspect any process of manufacture or treatment used therein and to take samples for analysis of any [3][mustard oil or edible oil or edible fat] or of any article capable of being used in the manufacture, treatment or adulteration of any such article as aforesaid.

Prohibition of adulterants in places where butter, *ghee*, etc., are manufactured or stored.

410. (1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place, in which butter, *ghee*, wheat flour, mustard oil, tea, edible oil, [4][edible fat] or any article notified by the [1][Provincial Government] under clause (h) of sub-section (1) of section 407 is manufactured or stored, any substance intended to be used for the adulteration of such milk, butter, *ghee*, wheat flour, mustard oil, or other article.

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[1]*See* footnote 1 on page 2, *ante*.

[2]The words "mustard oil, edible oil or edible fat" were substituted for the words "mustard oil or other edible oils" by s. 4 of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[3]The words "mustard oil or edible oil or edible fat" were substituted for the words "mustard oil or other edible oils" by section 5 of the same Act.

[4]The words "edible fat" were substituted for the words "or fat" by section 6 of the same Act.

(Part V.—Chapter XXVIII.—Food and drugs.—Sections 411—414.)

(*2*) If any article capable of being so used is found in any such manufactory, shop, or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section, that it is intended to be used for the purposes of adulteration.

411. *(Receptacles for separated or skimmed condensed milk to be marked.)*—[*Repealed by the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930), section 6.*]

Prohibition of sale of diseased animals or unwholesome articles intended for human food.

412. (*1*) No person shall sell, store for sale, expose or hawk about for sale, or keep for sale, any animal intended for human consumption which is diseased, or any food or drug intended for human consumption, or manufacture any such food or drug which is unsound, unwholesome, or unfit for human food.

(*2*) In any prosecution under this section the Court shall, unless and until the contrary is proved, presume that any animal, food, or drug found in the possession of a person who is in the habit of keeping animals of that class intended to be used for human consumption, or of keeping or manufacturing such food or drug for the purpose of human consumption, has been so kept or manufactured, as the case may be, for sale by such person.

Licensing of shops and places for retail sale of drugs.

413. (*1*) No person shall keep any shop or place for the retail sale of drugs, not being also articles of ordinary domestic consumption, without a license from the Corporation.

(*2*) The person to whom such license is granted in respect of any shop or place shall display it in some conspicuous part of such shop or place.

Power to Provincial Government to make rules as to compounders.

414. The [1][Provincial Government] may make rules—

(*a*) prescribing an educational course for candidates for compounders' certificates,

(*b*) prescribing a fee to be paid by persons seeking admission to a Government medical school for the purpose of undergoing such educational course,

(*c*) regulating the public examination of candidates for compounders' certificates, and prescribing the fee to be paid and the conditions to be observed by persons seeking admission to any such examination,

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[1]*See* footnote 1 on p. 9, *ante*.

(*d*) regulating the grant of compounders' certificates to persons passing any such examination,

(*e*) regulating the registration of certificates so granted,

(*f*) permitting any person having such qualifications as may be prescribed in this behalf in the rules to compound, mix, prepare, dispense or sell drugs without obtaining such a certificate, and

(*g*) authorizing the cancellation of any certificate granted, or the withdrawal of any permission given, under the said rules, to any person who is proved in the course of a judicial trial to have made a serious mistake, through ignorance or carelessness in the compounding, mixing, preparation, dispensing or selling of drugs.

Prohibition in respect of compounding of drugs.

415. (*1*) No person shall compound, mix, prepare, dispense, or sell any drug in any shop or place licensed under section 413, unless he has a certificate or permission granted under rules made under section 414 and then in force.

(*2*) No owner, occupier or keeper of any shop or place licensed under section 413 shall employ in such shop or place any person contravening the provisions of sub-section (*1*):

Provided that this sub-section shall not apply to compounders or persons employed by practitioners of indigenous medicines.

(*3*) If any person contravenes the provisions of sub-section (*2*), the Magistrate by whom he is tried may cancel the license granted to him under section 413, sub-section (*1*).

Savings as to practitioners of indigenous medicines.

416. Nothing in section 414 or section 415 shall apply to the sale of drugs used by practitioners of indigenous medicines when such drugs are not sold in a shop or place where medicines are dispensed upon prescription.

Inspection, seizure and destruction of food and drugs.

Power to Health Officer to inspect place where unlawful slaughter of animals or sale of flesh is suspected.

417. If the Health Officer, or any person authorized by him in this behalf, has reason to believe that any animal intended for human consumption is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under this Act, he may, at any time

by day or by night, without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or by-law made under this Act, at the time in force, is being contravened thereat.

Corporation to provide for inspection of animals, etc., exposed for sale.

418. (*1*) The Corporation shall make provision for the constant and vigilant inspection of all animals, food and drugs intended for human consumption which are in course of transit or are exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale,

and shall also make similar provision for the inspection, during the process of manufacture, of any such food or drug.

(*2*) If, as a result of such inspection as is provided for in sub-section (*1*), a prosecution is instituted under this chapter, then the burden of proving that any such animal, food or drug was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for human consumption, shall rest with the party charged.

Power to Health Officer to seize animals, etc., which are diseased, etc.

419. (*1*) The Health Officer, or any person authorized by him in this behalf, may, at any time by day or by night, inspect and examine any animal, food, or drug referred to in section 418 and any utensil or vessel used for preparing, manufacturing or containing any such food or drug.

(*2*) If any such animal appears to the Health Officer, or a person authorized as aforesaid, to be diseased or if any such food or drug appears to him to be unsound, unwholesome, or unfit for human food or for medicine, as the case may be, or to be adulterated, or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured, or contained therein unwholesome or unfit for human food, or for medicine, as the case may be,

he may seize and carry away such animal, food, drug, utensil, or vessel, in order that the same may be dealt with as hereinafter in this chapter provided.

Explanation.—(*1*) Meat subjected to the process of blowing shall be deemed to be unfit for human food.

(*2*) A vessel made of any corrosive metal or material notified in this behalf by the [1][Provincial Government] as dangerous to health, which is used for the preparation of liquid tea for sale shall be deemed to be of the kind referred to in this sub-section.

(*3*) The Health Officer, or a person authorized as aforesaid, may, instead of carrying away any animal, food, drug, utensil, or vessel seized under sub-section

[1]*See* footnote 1 on p. 2, *ante*.

(2), leave the same in such safe custody as he thinks fit in order that the same may be dealt with as hereinafter in this chapter provided; and no person shall remove such animal, food, drug, utensil, or vessel from such custody or interfere or tamper with the same in any way while so detained.

Destruction of animals, etc., seized under section 419.

420. (1) When any animal, food, drug, utensil, or vessel is seized under section 419, it may, with the consent of the owner or the person in whose possession it was found, be forthwith destroyed; or,

if such consent be not obtained, then, if any food or drug so seized is of a perishable nature, and is, in the opinion of the Executive Officer, the Health Officer, and Assistant or District Health Officer or any Councillor or Alderman, unsound, unwholesome or unfit for human food or medicine, it may likewise be destroyed.

(2) The expenses incurred in taking any action under sub-section (1) shall be paid by the person in whose possession such animal, food, drug, utensil, or vessel was at the time of its seizure.

Taking before Magistrate animals, etc., seized under section 419.

421. (1) Any animal, food, drug, utensil, or vessel seized under section 419 which is not destroyed in pursuance of section 420 shall, subject to the provisions of section 419, sub-section (3), be taken before a Magistrate as soon as may be after such seizure.

(2) If it appears to the Magistrate that any such animal is diseased, or that any such food or drug is unsound, unwholesome, or unfit for human food, or for medicine, as the case may be, or is adulterated, or that any such utensil or vessel is of such kind or in such state as is mentioned in section 419, sub-section (2), or is used for preparing, manufacturing or containing such food or drug, he shall cause the same to be destroyed, at the expense of the person in whose possession it was at the time of its seizure or to be otherwise disposed of by the Corporation so as not to be capable of being used as human food or medicine.

(3) If it appears to the Magistrate that any such animal is not diseased or that any such food or drug is not unsound, unwholesome, or unfit for human food, or for medicine, as the case may be, or is not adulterated, or that any such utensil or vessel is not used for preparing, manufacturing, or containing the same, the person from whose shop or place the animal, food, drug, utensil, or vessel was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper.

(Part V.—Chapter XXVIII.—Food and drugs.—Sections 422—424.)

Analysis of food and drugs.

422. The [1][Provincial Government] may declare the normal constituents of any article of food or any drug and may determine, by rules in this behalf, what deficiency in any of these constituents, or what addition of extraneous matter or proportion of water in a sample of any article of food or drug, shall, for the purposes of this Act, raise a presumption until the contrary is proved that the article of food or drug is not genuine or is injurious to health; and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act. **Power to Provincial Government to declare normal constituents of any article of food or drug.**

423. Any purchaser of an article of food or drug shall be entitled, on payment of such fee as the Corporation may prescribe, to have such article analysed by a public analyst and to receive from him a certificate in the form prescribed in Schedule XX to this Act, of the result of his analysis. **Power of purchaser to have article of food or drug analysed.**

424. (*1*) If the Health Officer, or any person authorized by him in this behalf, requires the sale to him of any food or drug exposed or intended for sale, and tenders the price for a quantity not more than is reasonably requisite for division and disposal under sub-sections (*4*) and (*5*), any person in possession of or exposing the same for sale shall be bound to sell such quantity. **Compulsory sale to Health Officer for purpose of analysis.**

(*2*) The Health Officer, or any person authorized by him in this behalf, may require, on tendering the price for it, the sale to him during the process of manufacture, of any quantity of—

(*i*) any food, or

(*ii*) any drug, or

(*iii*) any ingredients used in the manufacture of any food or drug.

not being more than is reasonably requisite for division and disposal under sub-section (*4*) and sub-section (*5*), and any person in possession of the said food, drug or ingredients shall be bound to sell such quantity.

(*3*) The Health Officer, or any person authorized by him in this behalf, may likewise require the surrender to himself, for the purpose of analysis, of such

[1]*See* footnote 1 on p. 2, *ante*.

quantity as is reasonably requisite for such process, of any food which is in course of transit in Calcutta or stored in any place in Calcutta for sale as an article for human consumption, and any person in possession of the same shall be bound to surrender such quantity;

and in every such case the price of the food so surrendered shall be payable by the Health Officer or by the person authorized by him, to the owner of the same, if claimed by such owner within one month from the date of the said surrender.

(*4*) When any sale under sub-section (*1*) or sub-section (*2*) is completed, or when any food is surrendered under sub-section (*3*), the Health Officer, or the person authorized by him in this behalf, or any purchaser who wishes to have an article of food analysed under section 423 shall forthwith notify to the seller, or his agent selling the article or the person in possession thereof, as the case may be, his intention to have the same analysed, and shall divide the article into three parts, to be then and there separated and each part to be marked and sealed or fastened up in any manner which its nature will permit.

(*5*) The Health Officer, or the person authorized by him in this behalf, or the purchaser referred to in sub-section (*4*) shall deliver one of the said parts to the seller or his agent, shall retain another for future comparison, and may send the third to a public analyst.

Duty of public analyst to supply certificate of analysis.

425. (*1*) Every public analyst to whom any article of food has been submitted for analysis under this Act shall deliver to the person so submitting it a certificate in the form prescribed in Schedule XX to this Act, specifying the result of his analysis, and shall send a copy of the same to the Health Officer.

(*2*) Any document purporting to be such certificate signed by a public analyst shall be sufficient evidence in any inquiry, trial or proceeding under this Act of the result of such analysis:

Provided that any Court before which a case may be pending under this Act, whether exercising original, appellate, or revisional jurisdiction, may, of its own motion, or at the request either of the accused or the complainant, cause any article of food to be sent for analysis to the Director of Public Health, Bengal, or any other officer whom the [1][Provincial Government] may appoint in this behalf, who shall thereupon analyse the same and report the result of such analysis to the

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[1]*See* footnote 1 on p. 9, *ante*.

said Court, and the said report shall be admissible in evidence in such Court. The expense of such analysis shall be paid by the accused or the complainant, as the Court may, by order, direct.

Vesting of condemned food or drug in Corporation.

426. When any authority directs, in exercise of any powers conferred by this chapter, the destruction of any food or any drug, or the disposal of the same so as to prevent its being used as food or medicine, the same shall thereupon be deemed to be the property of the Corporation.

Food and drugs directed to be destroyed, etc., to be property of Corporation.

CHAPTER XXIX.

MILK-SUPPLY.

427. In addition to the other powers and duties conferred or imposed on them by or under this Act or any other Act, for the time being in force, the Corporation, in their discretion, may—

Special powers to the Corporation.

(*i*) establish, furnish, and maintain municipal dairies, grazing grounds, cattle-sheds and cow-houses either within or without Calcutta;

(*ii*) subject to such terms and conditions as the Corporation may think fit to impose, subsidize by such means as they may consider proper or guarantee the payment from the funds at their disposal of such sums as they may think fit, by way of interest on the capital expended, on the establishment, extension, maintenance, equipment or furnishing of privately owned grazing grounds or private dairies either within or without Calcutta;

(*iii*) provide or assist in the provision of, facilities for and in connection with, the transport of milk and other dairy produce to Calcutta from any municipal or private dairy;

(*iv*) purchase, maintain, or dispose of stud-bulls and take such other measures as may appear to the Corporation to be desirable with a view to improving the local breed of cattle; and

(*v*) establish, furnish, and maintain depôt or stores for the sale of milk and other dairy produce from municipal and other dairies.

(Part V.—Chapter XXIX.—Milk-supply.—Sections 428—431.)

Licensing of dairyman.

428. (*1*) No person shall, without or otherwise than in conformity with the terms of a license granted by the Corporation in that behalf,—

(*a*) carry on in Calcutta the trade or business of a dairyman; or

(*b*) use any place in Calcutta for the sale of milk.

(*2*) Nothing in sub-section (*1*) shall apply to the sale of milk in any hotel or eating-house for consumption on the premises.

Corporation to be satisfied as to the sanitary condition of dairies before granting license under section 428.

429. No person shall be licensed under section 428, sub-section (*1*), unless the Corporation, after due inquiry, are satisfied that the milk is obtained by him from a dairy, whether within or without Calcutta, in which the provisions for the ventilation, including air-space, and the cleansing, drainage and water-supply are such as in the opinion of the Corporation are necessary or proper—

(*a*) for the health and good condition of the milch-cattle therein,

(*b*) for the cleanliness of milk vessels used therein for containing milk for sale, and

(*c*) for the protection of the milk against infection or contamination.

Power to require dairyman to furnish list of sources of supply.

430. If the Health Officer has reason to believe that any person in Calcutta is suffering or is likely to suffer from a dangerous disease attributable to milk supplied in Calcutta from any dairy situated within or without Calcutta, or that the consumption of milk from such place is likely to cause any person in Calcutta to suffer from a dangerous disease, the Health Officer may require the person supplying the milk to furnish, within a reasonable time to be fixed by the Health Officer, a complete list of all dairies from which that person's supply of milk is derived or has been derived during the last six weeks, and, if the supply or any part of it is obtained through any other person, may make a similar requisition upon him; and every person on whom any such requisition is made shall comply therewith.

Inspection of dairies and prohibition of milk-supply.

431. (*1*) The Health Officer may inspect, with a qualified Veterinary Surgeon, any dairy referred to in section 430, and the milch-cattle therein, and if, on such inspection, the Health Officer is of opinion that the dangerous disease is caused or is likely to be caused

from consumption of the milk supplied therefrom, he may make an order prohibiting the supply of any milk for human consumption from such dairy.

(2) An order made by the Health Officer under sub-section (1) shall be forthwith withdrawn on his being satisfied that the milk-supply has been changed or that the cause of infection has been removed.

(3) When an order is made under sub-section (1) or is withdrawn under sub-section (2) in respect of a dairy situated outside Calcutta, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may direct such milk to be boiled and permit it to be sold or used under such reasonable restrictions as he may prescribe in this behalf for food of animals, or he may cause the milk to be destroyed.

(5) No person shall sell or supply any milk in contravention of the provisions of this section.

(6) No dairyman shall be liable to an action for breach of contract if the breach be due to an order passed under this section.

Power to seize and send milch-cattle to veterinary hospital for treatment.

432. (1) If, on an inspection referred to in section 431, sub-section (1), the Health Officer is of opinion that any milch-cattle in such dairy are suffering from a disease which is likely to cause any person consuming the milk to suffer from a dangerous disease, he may cause any such animal to be seized and may send it to a veterinary hospital for treatment.

(2) When any such animal has been sent to a veterinary hospital under sub-section (1), it shall be detained there until, in the opinion of the officer in charge of the hospital, it is cured.

(3) The cost of the treatment, feeding and watering of the animal in the hospital may be realized from the owner of the animal according to such scale of rates as the Corporation may, from time to time, prescribe.

(4) If the owner refuses or neglects to pay such cost or to remove the animal within such time as the officer in charge of the hospital may prescribe, that officer may direct the animal to be sold and the proceeds of the sale to be applied to the payment of such cost.

(5) The surplus, if any, of the sale-proceeds shall be held in deposit by the Corporation, and shall, on application to be made by the owner within six months after the date of sale, be paid to him.

Licensees to notify infectious diseases existing among persons engaged in dairies.

433. Every person licensed under section 428, sub-section (*1*), shall notify to the Health Officer all cases of dangerous disease among persons engaged in, or in connection with the dairy, whether within or without Calcutta, from which he obtains his supply of milk for sale in Calcutta, as soon as he becomes aware or has reason to suspect that such dangerous disease exists.

Application of section 507 to an entry to inspect dairy.

434. The provisions of section 507 shall be applicable to an entry to inspect a dairy, whether within or without Calcutta, from which any milk is obtained for sale in Calcutta, for the purposes of this Act.

CHAPTER XXX.

Restraint of infection.

Medical practitioners to give information of existence of dangerous disease.

435. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any dangerous disease in any private or public dwelling house, other than a public hospital, shall give information of the same with the least practicable delay to the Health Officer in such form and with such details as the Health Officer may, from time to time, require.

Power to Health Officer to inspect places and take measures to prevent spread of dangerous disease.

436. The Health Officer, or any other municipal officer authorized by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of the said disease beyond such place.

Prohibition of use for drinking or for other domestic purpose, of water likely to cause dangerous disease.

437. (*1*) If it appears to the Health Officer that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for such purpose.

(*2*) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

Power to Health Officer to remove patient to hospital in certain cases.

438. (*1*) When, in the opinion of the Health Officer, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be

removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the Executive Officer, direct or cause the removal of such person to such hospital or place:

Provided that all costs incurred for the removal and in the treatment of any such patient may be borne by the Corporation:

Provided also that, if any such person is a female, she shall not be removed to any such hospital or place unless the same has accommodation for females, of a suitable kind, and set apart from the portion assigned to males.

(*2*) The person (if any) who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

(*3*) If any female who, according to the custom of the country, does not appear in public, be removed to any hospital or place under sub-section (*1*)—

(*a*) the removal shall be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place;

(*c*) she shall be treated therein by female agency only; and

(*d*) her female relatives shall be allowed to remain with her.

439. (*1*) If the Health Officer, or any municipal officer authorized by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building, part, article, tank, pool or well and may, by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice.

Power to Health officer to disinfect building, tank, pool or well.

(*2*) The cost of cleansing or disinfecting any building or part thereof, or any article therein, under sub-section (*1*), shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool

or well, under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well, or if there be no such person, by the owner thereof:

Provided that if, in the opinion of the Corporation, the owner or occupier is from poverty unable to pay the said cost, the Corporation may direct payment thereof to be made from the Municipal Fund.

Power to Health Officer to destroy huts and sheds.

440. (*1*) If the Health Officer is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed; but, except as so allowed by the Corporation, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (*1*).

Infected building not to be let without being first disinfected.

441. No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease,—

(*a*) unless the Health Officer has disinfected the same and has granted a certificate to that effect, and

(*b*) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

Explanation.—For the purposes of this section the keeper of an hotel or inn shall be deemed to let part of his building to any person accommodated therein.

Provision of places for disinfection, washing or destruction of infected articles and power to Health Officer to disinfect or destroy such articles.

442. (*1*) The Corporation may provide a place or places, with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected; and when any articles have been brought to any such place for disinfection, may cause them to be disinfected either,—

(*a*) free of charge; or

(*b*) in their discretion, on payment of such fees as they may from time to time fix in this behalf.

(Part V.—Chapter XXX.—Restraint of infection.— Sections 443, 444.)

(*2*) The Corporation may from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(*3*) The Health Officer, or any person authorized by him in this behalf, may disinfect or destroy, or, by written notice, direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

(*4*) The Corporation shall pay such compensation as may appear to them reasonable for any article destroyed under sub-section (*3*), and their decision shall be final.

Infected articles not to be transmitted, etc., without previous disinfection.

443. (*1*) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(*2*) Nothing in sub-section (*1*) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Restrictions on carriage of patient or dead-body in public conveyance.

444. (*1*) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in, a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead-body of any person who has died from such disease to be carried in a public conveyance without—

(*a*) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and

(*b*) taking proper precautions against spreading such disease.

(*2*) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead-body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead-body in contravention of sub-section (1).

Disinfection of public conveyance after carriage of patient or dead-body.

445. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead-body of any person who has died from such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under section 442, sub-section (1).

(2) The person in charge of such place shall forthwith intimate to the Health Officer the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Health Officer has granted a certificate stating that it may be used without causing risk of infection.

Power to Corporation to provide special conveyances for patient or dead-body.

446. (1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead-bodies of persons who have died from any such disease.

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Health Officer, to carry any such person or dead-body in, or for any such person to cause himself to be carried in, any other public conveyance.

Power to Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease.

447. In the event of Calcutta being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into Calcutta, the Corporation, if they consider that the other provisions of this Act or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the [1][Provincial Government],—

(a) take such special measures, and,

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons,

as they may deem necessary to prevent the outbreak of such disease or the spread thereof.

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[1]See footnote 1 on p. 2, ante.

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 448—450.)

CHAPTER XXXI.

REGISTRATION OF BIRTHS AND DEATHS AND DISPOSAL OF THE DEAD.

Registration of births and deaths.

448. (*1*) The Health Officer shall be chief registrar of Calcutta and shall keep, in such form as may from time to time be prescribed by the [1][Provincial Government], a register of all births and deaths occurring in Calcutta. **Appointment of Registrars and sub-registrars, and list of same.**

(*2*) The Corporation shall, for the purposes of this chapter, divide Calcutta into such and so many districts as they may think fit, and shall appoint a person to be registrar of births and deaths for each such district.

(*3*) On the occurrence of any dangerous disease, the Corporation may appoint as many additional registrars as they may think necessary.

(*4*) The Corporation shall appoint a sub-registrar for each registered burial or burning ground or other place for the disposal of the dead, to register all corpses brought thereto for interment or cremation or for disposal otherwise:

Provided that it shall be competent to the Corporation to appoint the same sub-registrar for more than one such burial or burning ground or other place.

(*5*) The Corporation shall cause to be printed and published a list containing the name and address of every registrar and sub-registrar appointed under this section.

449. The Corporation shall cause to be prepared and printed a sufficient number of register-books in such form as may from time to time be prescribed by them, for making entries of all births and deaths occurring in Calcutta. **Register-books.**

450. A registrar shall inform himself of every birth and death occurring in his district, and shall ascertain and register, as soon as conveniently may be after the event, and without fee or reward, the particulars prescribed in Schedule XXI or Schedule XXII, as the case may be, in respect of every birth or death which has no been already registered. **Registrar to inform himself of, and register, births and deaths.**

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[1]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 451, 452.)

Information of birth by whom to be given.

451. It shall be the duty of the father or mother of every child born in Calcutta and, in default of the father or mother, of any relation of the child living in the same premises, and in default of such relation, of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar of the district within eight days after such birth, information of the several particulars prescribed in Schedule XXI:

Provided that if any one of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information of death by whom to be given.

452. It shall be the duty of the nearest relatives present at the time of the death or in attendance during the last illness of any person dying in Calcutta, and in default of such relatives, of each person present or in attendance at the time of the death, and of the occupier of the premises in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the registrar of the district, or to the sub-registrar of the burial or burning ground or other place for the disposal of the dead where the body is buried or burnt or otherwise disposed of, information of the several particulars prescribed in Schedule XXII:

Provided that if any of the persons hereinbefore referred to gives the said information, no other person shall be bound to give it:

Provided also that if the death occurs in a hospital, none of the said persons shall be bound to give such information but it shall be the duty of the medical officer in charge of the hospital, within twelve hours after the death, to send to the Health Officer a written notice containing the several particulars prescribed in Schedule XXII.

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 453—457.)

453. Any medical practitioner in attendance during the last illness of any person dying in Calcutta shall, within three days of his becoming cognizant in the course of such attendance of the death of such person, send a written notice to the Health Officer, as nearly as may be in the form prescribed in Schedule XXII, stating, to the best of his judgment, the cause of death.

Medical practitioners to send to Health Officer notice stating cause of death.

454. It shall be the duty of the police to convey every unclaimed corpse to a burial or burning ground or other place for the disposal of the dead, or to a duly appointed mortuary, and thereafter to inform the registrar of the district in which such corpse was found.

Duties of police with regard to unclaimed corpses.

455. A sexton or keeper of a burial or burning ground or other place for the disposal of the dead, whether situated in Calcutta or not, shall not bury, burn or otherwise dispose of, or allow to be buried or burnt or otherwise disposed of, the corpse of any person who has died in Calcutta unless such corpse is accompanied by a certificate, in the form prescribed by Schedule XXII, signed by a registrar or sub-registrar appointed under section 448 or by a registered medical practitioner or any other medical practitioner authorized in this behalf by the [1][Provincial Government]:

Sextons, etc., not to bury, etc., corpse without certificate.

Provided that, at any burial or burning ground or other place for the disposal of the dead where there is a sub-registrar approved in this behalf by the Corporation who keeps a register in the form prescribed by the said schedule, and entry in such register relating to the deceased shall be deemed sufficient.

456. The [1][Provincial Government] may make rules—

Power to Provincial Government to make rules.

(*a*) prescribing the qualifications to be required in persons appointed to be registrars or sub-registrars under this chapter;

(*b*) generally, for the guidance of the Corporation, the Health Officer, registrars and sub-registrars in all matters connected with the carrying out of the provisions of this chapter.

Disposal of the dead.

457. (*1*) Every owner or keeper of a place, not vested in or owned by the Corporation or a Board appointed by the [1][Provincial Government] for the administration of such place, which is used for burying,

Registration of places for disposal of the dead.

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[1]*See* footnote 1 on p. 2, *ante*.

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 458—460.)

burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by the Corporation, and shall deposit in the municipal office at the time of registration a plan of the said place showing the extent and boundaries thereof and bearing the signature of a surveyor in token of its having been prepared by or under the supervision of such surveyor.

(*2*) All burial and burning grounds shall be classified by the Corporation in the said register as public or private.

Provision and registration of new places for disposal of the dead.

458. If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, they shall—

(*a*) provide other fit and convenient places for the disposal of the dead, either in or without Calcutta,

(*b*) cause the same to be registered in the register kept under section 457, sub-section (*1*), and

(*c*) cause to be kept in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same.

Permission of the Corporation required for opening or re-opening places for disposal of the dead.

459. Except with the written permission of the Corporation—

(*a*) no place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person as such place, and

(*b*) no burial or burning ground or other place for the disposal of the dead which has fallen into disuse shall be again used as such.

Power to Provincial Government to direct the closing of any place for the disposal of the dead.

460. (*1*) If, from information furnished by competent persons and after personal inspection, the Health Officer is at any time of opinion—

(*a*) that any place of public worship is, or is likely to become, injurious to health by reason of the state of the vaults or graves within the walls of, or underneath, such place or in any churchyard or burial ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health,

(Part V.—Chapter XXXI.—Registration of births and deaths and disposal of the dead.—Sections 461, 462.)

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the [1][Provincial Government].

(*2*) Upon receipt of such opinion, the [1][Provincial Government], after such further inquiry (if any) as they deem fit to make, may, by notification published in the [2][*Official Gazette*] and in local newspapers, direct that such place of public worship, churchyard, burial ground or other place for the disposal of the dead shall no longer be used for the disposal of the dead.

(*3*) Every such notification shall be noted in the register kept under section 457, sub-section (*1*).

(*4*) On the expiration of two months from the date of any such notification, the place to which the same relates shall be closed for the disposal of the dead.

(*5*) A copy of the said notification, with a translation thereof in the Bengali, Hindi and Urdu languages shall be affixed on a conspicuous spot on or near the place to which the notification relates, unless such place be a place of public worship.

Power to Provincial Government to direct re-opening of place closed under section 460 or other enactment.

461. (*1*) If, after personal inspection, the Health Officer is at any time of opinion that any place formerly used for the disposal of the dead which has been closed under section 460 or under any other enactment or authority has, by lapse of time, become no longer injurious to health and may, without risk of danger, be again used for the said purpose,

he may submit his said opinion, with the reasons therefor, to the Corporation, who shall forward the same, with their opinion, for the consideration of the [1][Provincial Government].

(*2*) Upon receipt of such opinion, the [1][Provincial Government], after such further inquiry (if any) as they deem fit to make, may, by notification published in the [2][*Official Gazette*], direct that such place be re-opened for the disposal of the dead.

(*3*) Every such notification shall be noted in the register kept under section 457, sub-section (*1*).

Prohibition of certain acts without the permission of the Executive Officer.

462. (*1*) No person shall, without the written permission of the Executive Officer,—

(*a*) make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship; or

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 460; or

(c) build, dig or cause to be built or dug any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse, at any place which is not registered in the register kept under section 457, sub-section (1); or

(d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other relevant enactment for the time being in force. Act V of 1898.

(2) Such permission may be granted by the Executive Officer in special cases only and subject to such general or special orders as the [1][Provincial Government] may make in this behalf.

(3) An offence against clauses (b), (c) or (d) of sub-section (1) shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code of Criminal Procedure, 1898.

CHAPTER XXXII.

Census.

Census when and how to be taken.

463. (1) At such time and in such manner as the Corporation, with the sanction of the [2][Central Government], may from time to time direct, an enumeration shall be made of all persons then being in Calcutta.

(2) When any time is appointed under sub-section (1), the [2][Central Government] shall, at least one month before that time, publish a notification in the [3][*Official Gazette*], and in such local newspapers, English and vernacular, as they may think fit, announcing the said time and containing all other particulars of which they consider the residents should be informed.

Superintendence of enumeration.

464. Any person specially appointed by the Corporation for the purpose (hereinafter called the Superintendent) shall, subject to the general control of the

[1]*See* footnote 1 on p. 2, *ante*.

[2]These words were substituted for the words "Local Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]*See* footnote 2 on p. 2, *ante*.

(Part V.—Chapter XXXII.—Census.—Sections 465—467.)

Corporation, superintend the making of every enumeration under this chapter, and shall cause to be prepared and issued, for the purposes of such enumeration, such forms and instructions as he may consider necessary and as may be sanctioned by the [1][Central Government].

465. The expenses incurred in making any enumeration under this chapter shall be paid out of the Municipal Fund. **Expenses of enumeration.**

466. (*1*) The Superintendent shall appoint a sufficient number of competent persons to act as enumerators for the purposes of this chapter. **Appointment and duties of enumerators.**

(*2*) Every enumerator shall obey all written instructions issued to him by the Superintendent for the making of the enumeration, and shall, under the direction of the Superintendent, and on the day to be appointed by the Corporation in this behalf,—

(*a*) visit every building within the area to which he has been appointed;

(*b*) take an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person abiding in such building on the night immediately preceding the said day, and

(*c*) take an account in writing of all occupied buildings, all buildings then being built and uninhabited and all other uninhabited buildings:

Provided that no female shall be required to disclose her name or age.

467. (*1*) The following persons, namely,— **Military, naval and police officers and certain other persons, if required, to act as enumerators.**

(*a*) any military or naval officer in command of a body of military or naval men or of a vessel of war, or any police-officer,

(*b*) any master of a merchant vessel, or any officer of the Port Commissioners in charge of a despatch vessel or dredger,

(*c*) any *serang* or *tindal*, or any person in charge of a vessel or boat,

(*d*) any person in charge of a lunatic asylum, hospital or prison, or of any public or private charitable or scholastic institution, and

(*e*) any keeper of an hotel or lodging-house,

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[1]*See* footnote 2 on p. 224, *ante*.

shall, if required by the Superintendent, act as an enumerator for the purpose of taking an account in writing of the name, sex, age, caste (if any), nationality and occupation of every person under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day appointed under section 466, sub-section (2), and shall obey all instructions issued to him in writing by the Superintendent for the purposes of taking such account.

(2) If any person upon whom a requisition is made under sub-section (1) is unable to write, an enumerator appointed under section 466, sub-section (1), shall fill up any form supplied to such person under that sub-section.

PART VI.

CHAPTER XXXIII.

ACQUISITION, DISPOSAL AND GENERAL IMPROVEMENT OF LAND AND BUILDINGS.

Acquisition and disposal of land and buildings.

Power to Corporation to acquire land and buildings for improvements.

468. The Corporation may acquire any land and buildings, whether situated in Calcutta or not,—

(i) for the purpose of opening out any congested or unhealthy area or of otherwise improving any portion of Calcutta; or

(ii) for the purpose of erecting sanitary dwellings for the working and poorer classes.

Scheme for carrying out such improvements.

469. (1) When any land or building has been acquired under section 468 for the purpose of carrying out any work, the Corporation shall frame a scheme for carrying out such work either by themselves or by any co-operative building society or by any other person whom they may select to carry out the same.

(2) When any scheme is framed under sub-section (1) for the carrying out of work by any person other than the Corporation, the scheme shall embody the terms and conditions agreed upon between the Corporation and such person;

(Part VI.—Chapter XXXIII.—Acquisition, disposal and general improvement of land and buildings.—Sections 470, 471.)

and such conditions shall be deemed to include a power to the Corporation to superintend and control the execution of the work.

(*3*) Every scheme framed under sub-section (*1*) shall be published in the [1][*Official Gazette*] and in such other manner as the Corporation may think fit, together with a notice specifying a period within which objections will be received.

(*4*) The Corporation shall consider all objections received within the said period, and shall submit the documents to the [2][Provincial Government] with such recommendations as they may desire to make.

(*5*) The [2][Provincial Government], after considering the said objections and recommendations (if any), may confirm the scheme, and before doing so may modify it, but not so as to extend its effect.

Power to Corporation to carry out improvements.

470. When any scheme for the carrying out of work by the Corporation themselves has been confirmed by the [2][Provincial Government] under section 469, sub-section (*5*), the Corporation may proceed to carry out the work in accordance with the scheme.

Transfer of land and buildings to person for carrying out improvements.

471. (*1*) When any scheme for the carrying out of work by any person other than the Corporation has been confirmed by the [2][Provincial Government] under section 469, sub-section (*5*), the Corporation may sell, lease or otherwise transfer to such person the land and buildings which have been acquired under section 468, for the purpose and under the condition that he will carry out such work in accordance with the said scheme.

(*2*) Every sale effected or lease granted by the Corporation under this section shall be deemed to include a covenant authorizing the Corporation to re-enter if the purchaser or the lessee—

(*a*) fails to carry out any work in accordance with the said scheme, or,

(*b*) after carrying out the work, uses the land or buildings leased to him, or any part thereof, or allows the same to be used, for any purpose which is inconsistent with the said scheme;

[1]*See* footnote 2 on p. 2, *ante*.
[2]*See* footnote 1 on p. 2, *ante*.

(Part VI.—Chapter XXXIII.—Acquisition, disposal and general improvement of land and buildings.—Sections 472, 473.)

and such covenant shall be binding on all transferees from the original purchaser or lessee.

(*3*) Before possession of any land or building is given to any person by the Corporation in pursuance of any contract (other than a lease) made under this section, the Corporation shall take security from such person for the due carrying out and maintenance of work in accordance with the said scheme.

Additional powers for acquisition, disposal, etc.

Further powers to Corporation for acquiring and disposing of land or buildings.

472. In addition to the powers expressly conferred by any other section of this Act for the acquisition and disposal of land or buildings, the Corporation may—

(*i*) acquire or pay rent for, or take on lease under such conditions as they may think fit, any land and buildings, whether situated in Calcutta or not, which may, in their opinion, be needed for carrying out any of the purposes of this Act,

(*ii*) sell, lease or otherwise transfer, on such terms as they may think fit, any land or building vested in them, and

(*iii*) purchase any land or buildings outside Calcutta in execution of a decree made by a Court in their favour.

Procedure when Corporation lease or sell land acquired by them.

473. Whenever the Corporation decide to lease or sell any land acquired by them under this Act from any person, they—

(*a*) shall give notice by advertisement in local newspapers; and

(*b*) shall offer a prior right to take on lease or purchase such land to any person or his heirs, executors or administrators, who formerly had any interest in such land, or who, in the opinion of the Corporation, has a superior claim to such land, or if it appears to the Corporation that no person has such a superior claim, the Corporation shall put up to auction the right to take on lease or purchase such land among all persons who, previous to its acquisition, had interests in any portion of such land greater than a lease for years having seven years to run:

(Part VI.—Chapter XXXIII.—Acquisition, disposal and general improvement of land and buildings.—Sections 474, 475.)

Provided that the prior right referred to in clause (*b*) need not be offered or put up to auction, if the Corporation consider that to do so would be detrimental to the carrying out of the purposes of this Act:

Provided also that before putting up to auction the right to take a lease or purchase such land, the Corporation may fix a minimum reserve price, below which the said right shall not be sold.

Exemption.

474. Nothing in this Act shall authorise the Corporation to acquire for the purposes of this chapter or of any other section of this Act any building which is intended solely for and is used solely as a place of public worship. **Exemption of places of public worship from acquisition.**

General provisions.

475. Any land or buildings which the Corporation are authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, **Application of Land Acquisition Act, 1894, with amendment.**
I of 1894. 1894, and for that purpose the said Act shall be subject to the amendment that the market-value of any land or building to be acquired shall be deemed, for the purposes of clause *first* of sub-section (*1*) of section 23 of the said Land Acquisition Act, to be the market-value according to the disposition of such land or building at the date of publication of the declaration relating thereto under section 6 of the said Land Acquisition Act:

Provided as follows:—

(*i*) if, within a period of two years from the date of the publication of such declaration in respect of any land or building, the Collector has not made an award under section [1][11] of the said Land Acquisition Act with respect to such land or building, the owner of the land or building shall be entitled to receive compensation for the damage suffered by him in consequence of the delay;

(*ii*) if it be shown that, before such declaration was published, the owner of the land or building

[1] The figures "11" were substituted for the figures "26" by s. 7 of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

had taken active steps and incurred expenditure to secure a more profitable disposition of the same, further compensation, based on his actual loss, may be paid to him;

(iii) if the market-value is specially high in consequence of the property being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land or building if put to ordinary uses;

(iv) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within one year before the aforesaid declaration was published, such increase shall be disregarded, unless it be proved that the improvement was made *bonâ fide* and not in contemplation of proceedings for the acquisition of the land or building being taken under the said Land Acquisition Act. I of 1894.

Vesting in Corporation of land and buildings acquired under the Land Acquisition Act, 1894.

476. On payment by the Corporation of the compensation awarded under the said Land Acquisition Act, 1894, in respect of any land or buildings and of any other charges incurred in acquiring the said land or buildings, the same shall vest in the Corporation.

CHAPTER XXXIV.

SPECIAL POWERS TO THE CORPORATION.

Special powers to the Corporation.

477. In addition to the other powers and duties conferred or imposed on them by or under this Act or any other Act for the time being in force, the Corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely,—

(i) the planting and preservation of trees in public streets and public places;

(ii) the construction, alteration, maintenance and adornment of public halls, offices and other buildings under the control of the Corporation or required for municipal purposes;

(Part VI.—Chapter XXXIV.—Special powers to the Corporation.—Section 477.)

(iii) the laying out and maintenance of squares, gardens and playgrounds, and the supplying and maintenance of equipment for games in playgrounds;

(iv) the playing of music in squares, gardens or other public places;

(v) the survey of buildings and lands, and the preparation and maintenance from time to time of survey maps and plans and of the records relating thereto;

(vi) the construction and maintenance of hospitals, infirmaries, alms-houses, asylums, orphanages, industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1922, and of public training schools for nurses, either in Calcutta, or (if such institutions are for the benefit of persons residing in Calcutta) without Calcutta, and arrangements for keeping a sufficient staff in such institutions;

Ben. Act II of 1922.

(vii) the payment of contributions to the cost of such orphanages, industrial schools and auxiliary homes for the purposes of the Bengal Children Act, 1922, and of public training schools for nurses or institutions for providing nurses and of the staff of these institutions and the other institutions referred to in clause (vi);

(viii) the establishment, maintenance and administration of veterinary hospitals and dispensaries in Calcutta;

(ix) the payment of contributions to the cost of such veterinary hospitals and dispensaries;

(x) the payment of contributions towards any public fund raised for the relief of human suffering within Calcutta;

(xi) the payment of contributions to charitable institutions in Calcutta for assisting in the disposal of unclaimed corpses and the burial or cremation of paupers;

(xii) vaccination;

(xiii) the promotion of technical and industrial education;

[1](*xiiia*) assistance to schools in which persons employed on manual labour above the ages specified in section 91 receive primary education and to *tols, madrasahs and maktabs;*

(*xiv*) free libraries;

(*xv*) the payment of, or the payment of a contribution to, the cost incurred on the occasion of any public ceremony or entertainment or any exhibition for the purpose of instruction or education, held in Calcutta;

(*xvi*) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes;

(*xvii*) the presentation of addresses to persons of distinction; and

(*xviii*) any other matter likely to promote the public health, safety or convenience or the carrying out of this Act, which the [2][Provincial Government], on the recommendation of the Corporation made in pursuance of a resolution in favour of which not less than two-thirds of the Councillors and Aldermen present and voting have voted, may declare in this behalf.

PART VII.

CHAPTER XXXV.

BY-LAWS AND RULES.

Power to Corporation to make by-laws.

478. The Corporation may make by-laws generally for carrying out the provisions and intentions of this Act; and in particular, and without prejudice to the generality of the foregoing power, they may make by-laws—

(*1*) for the subdivision, amalgamation, renewal and exchange of municipal debentures issued under Chapter VIII;

(*2*) regulating—

(*a*) the detention and examination of petroleum introduced into Calcutta for consumption therein;

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[1]Clause (*xiiia*) was inserted by s. 2 of the Calcutta Municipal (Amendment) Act, 1934 (Ben. Act III of 1935).

[2]*See* footnote 1 on p. 2, *ante*.

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(*b*) the collection of any tax imposed under section 181, sub-section (*3*); and

(*c*) such other matters connected with the introduction of petroleum into Calcutta for consumption therein as the Corporation may from time to time think fit to regulate:

Provided that no such by-law shall render petroleum, passing through Calcutta in transit for any place beyond Calcutta, liable to taxation or to any detention or examination whatsoever under this Act;

(*3*) prescribing the size, the make, the length of the nave, and the minimum width of tyres of carts, the maximum load which they shall be permitted to carry, and generally prescribing the conditions under which persons shall be permitted to own and drive registered carts;

(*4*) prescribing the procedure to be followed by owners or occupiers desiring a water-supply;

(*5*) prescribing a schedule of charges for water supplied for other than domestic purposes;

(*6*) regulating the testing of the purity of filtered water supplied under Chapter XVII;

(*7*) providing for the maintenance of a map of the water-supply system and facilitating the inspection of the same by ratepayers;

(*8*) regulating—

(*i*) the construction and maintenance of water-pipes, taps and fittings, and

(*ii*) all matters and things connected with the supply and use of water, the use, protection and control of meters, hydrants and other fittings, and generally the control of the water-supply and the administration of Chapter XVII;

(*9*) specifying the manner in which house-drains and privies are to be connected with the municipal drains;

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(10) prescribing the procedure to be followed by owners and occupiers of premises in connecting house-drains and privies with the municipal drains;

(11) regulating the construction, maintenance, control and cleansing of drains, ventilation-shafts or pipes, cesspools, house-gullies, privies, urinals, public bathing and washing places and drainage works of every description, whether belonging to the Corporation or not;

(12) providing for the maintenance of a map of the sewerage system, and facilitating the inspection of the same by ratepayers;

(13) prescribing the qualifications to be required from, and regulating the appointment, suspension, and dismissal of, licensed plumbers;

(14) for the alteration of doors, gates, bars and windows opening outwards on a public street;

(15) for the provision, maintenance, and lighting of hoardings or fences in public streets when building or any other work is carried on;

(16) regulating the making of holes or excavations of any kind in a public street;

(17) prohibiting or regulating the placing of obstructions, projections or encroachments, or the depositing of materials or goods, in a public street or in or over any drain or aqueduct in a public street or on any land vested in the Corporation;

(18) regulating the posting or painting of advertisements in or adjacent to or visible from public streets or other public places;

(19) for the provision and maintenance of gutters and pipes for carrying and discharging water from buildings in a public street;

(20) regulating the construction of approach roads crossing the footpath of a public street;

(21) regulating the construction of verandahs and other structures in streets;

(22) for altering the position of pipes and appliances laid in streets;

(23) regulating all matters relating to the fittings, width and construction of streets;

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(24) regulating the use of land as sites for the erection of buildings;

(25) regulating the erection of new buildings;

(26) regulating the making of alterations in, and additions to, buildings;

(27) regulating the erection and use of buildings for a temporary purpose;

(28) providing for the protection of lamps, lights, gas-pipes, electric wires and all other appurtenances necessary for the lighting of public streets and municipal markets and buildings; and regulating the manner in which gas-pipes or electric wires shall be laid and existing gas-pipes or electric wires altered in such streets;

(29) providing for and regulating the collection, removal and disposal of all offensive matter and sewage accumulating in Calcutta, and the efficient daily cleansing and scavenging of all streets and premises;

(30) for the regulation and control of public bathing and washing places and places constructed under section 377, the management, equipment and maintenance of public swimming-baths, the imposition of fees for the use of such baths and the control of persons resorting to such washing places and baths;

(31) for the construction, management and maintenance of public wash-houses, for the regulation and control of such public wash-houses and other places for the use of washermen in the exercise of their calling, for the imposition of fees for the use of such wash-houses or places, for the control of persons carrying on business therein or resorting thereto, and for the prohibition of the use of unauthorised places for such purposes;

(32) prohibiting the fouling of any tank, reservoir, steam, well or ditch in Calcutta or of any source from which the public water-supply is drawn;

(33) for preventing the straying of any animal and regulating the keeping, feeding and destruction of any animals, and the disposal of its carcass, and prescribing the fees payable to the Corporation for such disposal;

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(*34*) specifying the manner in which stables, cattle-sheds and cow-houses are to be constructed, altered, paved, repaired, maintained and inspected, and the means whereby they are to be connected with the municipal drains;

(*35*) (*a*) providing for the inspection, keeping and removal of milch-cattle, and prescribing and regulating the ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller; and

(*b*) for declaring areas in which no person shall keep milch-cattle for the purpose of supplying milk for sale, subject to power being given to the Corporation to give such compensation as they think fit in respect of any cattle-shed constructed in accordance with the plan sanctioned by the Corporation within two years of the publication of a by-law under this sub-clause, provided that such structure is removed within the time fixed by the by-law;

(*36*) for enforcing the cleanliness of milk-stores and milk-shops and milk-vessels used for containing milk;

(*37*) requiring notice to be given whenever any milch-animal is affected with any contagious disease, and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;

(*38*) for the regulation of lodging-houses;

(*39*) regulating the removal and disposal of rank or noxious vegetation;

(*40*) for the inspection, supervision, regulation, and control of eating-houses and places where food for human consumption is prepared or kept for sale;

(*41*) for determining what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (*1*) of section 384, to be necessary for each occupant of a building or room;

(*42*) for the regulation, inspection by day or by night, supervision and control of all factories, bakehouses, work-shops, work-places and

premises used for any of the purposes referred to or mentioned in sections 385 and 386, and of all trades and manufactures carried on therein, and for the cleanliness or ventilation of the same, or the health or safety of the persons employed therein;

(*43*) regulating the inspection, supervision and control of theatres, circuses and other places of public resort, recreation or amusement, and prescribing the terms and conditions subject to which licenses may be granted for keeping open such places;

(*44*) for securing the efficient inspection of markets, slaughter-houses and places set apart under proviso (*iii*) to sub-section (*1*) of section 396;

(*45*) regulating the management of, and the conduct of business in, markets;

(*46*) regulating the use of any municipal market, municipal slaughter-house, municipal stock-yard, or any part thereof, or any place set apart under proviso (*iii*) to sub-section (*1*) of section 396;

(*47*) providing for a sufficient supply of water to or in, and for the proper cleansing, general control and regulation of the sanitary condition of, markets, slaughter-houses, stock-yards and places set apart under proviso (*iii*) to sub-section (*1*) of section 396 and preventing the exercise of cruelty, and the occurrence of nuisances or obstruction therein;

(*48*) for preventing persons suffering from any loathsome disease from keeping stalls in, or being employed in preparing or selling articles of food in, any market or from entering any market or touching any article brought thereto for sale, and for authorizing the expulsion of such persons from any market;

(*49*) for preventing persons suffering from any infectious or contagious disease living in places where food or drugs are sold, stored or prepared, and for disinfecting the place where any such case has occurred, and generally for the restraint of infection in such places;

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(*50*) for preventing the use in any market of false or incorrect weights, scales or measures;

(*51*) for posting up a price-current in any market;

(*52*) for the control and supervision of butchers carrying on business in Calcutta or at any municipal slaughter-house without Calcutta;

(*53*) for securing the efficient inspection and sanitary regulation of shops in which articles of food or drugs are kept or sold and the provision therein of suitable receptacles or vessels for keeping such food or drugs and for enforcing the proper maintenance and cleanliness of such receptacles and vessels;

(*54*) prescribing the standard of water to be used in the manufacture or preparation of soda water, lemonade, lithia water or other artificially aerated water or other mineral water or cordials or *sherbet* or other similar beverages or ice-creams or ice;

(*55*) prescribing the forms or kinds of label to be attached to articles of food or drugs, or a mixture thereof, or to packages containing the same, and requiring or prohibiting the use in the inscription on the label so attached of such particulars, direction, statements, information or words as are specified;

(*56*) prescribing the forms or kinds of label to be attached to receptacles containing disinfectants, germicides, antiseptics or preservatives for sale, and requiring or prohibiting the inscriptions on the label so attached of such particulars, directions, statements, information or words as are specified;

(*57*) requiring packages in which any article of food is sold to be marked as prescribed with the date on which it was packed;

(*58*) prohibiting the publication, use or exhibition in any manner whatsoever of any printed or pictorial matter with respect to articles of food or drugs which is false or misleading or likely to mislead;

(*59*) requiring the destruction or denaturation of any article of food that has become deteriorated or impoverished or which is injurious to health;

(Part VII.—Chapter XXXV.—By-laws and rules.—Section 478.)

(60) securing the wholesomeness, cleanliness, and freedom from contamination and adulteration of any article of food or drug hawked about for sale, and the cleanliness of receptacles used for the purpose;

(61) prescribing and regulating the functions and duties of registrars and sub-registrars of births and deaths and of keepers of burial and burning grounds and other places for the disposal of the dead, and for regulating and ensuring the correct and prompt registration of all births and deaths;

(62) regulating the speedy disposal of corpses;

(63) regulating the carrying of corpses along streets;

(64) regulating the removal of corpses or parts of corpses which have been kept or used for purposes of dissection;

(65) regulating the digging and making of graves and vaults;

(66) regulating the re-opening of graves and vaults for purposes of fresh interments;

(67) regulating cremation;

(68) generally, for regulating the disposal of the dead, the inspection of all places for the disposal of the dead, and the maintenance of all such places in good order and in a safe and sanitary condition;

(69) regulating and facilitating the taking of a census of the population of Calcutta, and securing accurate returns thereof, and prescribing the duties of the Superintendent referred to in section 464;

(70) for securing the registration of marriages for statistical purposes; and

(71) regulating the printing and sale of by-laws and rules made under this Act, and providing for the exhibition thereof in suitable places.

(Part VII.—Chapter XXXV.—By-laws and rules.—Sections 479—481.)

Provisions as to the application of certain by-laws.

479. (*1*) There shall be annexed to by-laws made under clauses (*9*), (*11*) or (*34*) of section 478, type-plans of all constructions referred to in them and the said plans shall be open to the inspection of any applicant at the municipal office, at all reasonable times.

(*2*) No by-law made under clause (*42*) of section 478 shall—

(*a*) affect the Bengal Steam-boilers and Prime-movers Act, 1879, or — Ben. Act III of 1879.

(*b*) apply to any factory to which the Indian Factories Act, 1911[1], is applicable. — XII of 1911.

Penalties for breach of by-laws.

480. In making a by-law under section 478, the Corporation may provide that a breach of it shall be punishable

(*a*) with fine which may extend to fifty rupees and in the case of a continuing breach, with fine which may extend to ten rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the Corporation to discontinue the breach.

Conditions precedent to the making of by-laws.

481. The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely,—

(*a*) a draft of the by-laws shall be published in the [2][*Official Gazette*] and in local newspapers;

(*b*) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint;

(*c*) for not less than one month during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge; and

[1]Repealed and re-enacted by the Factories Act, 1934 (XXV of 1934), and these references should now be construed as references to that Act.

[2]*See* footnote 2 on p. 2, *ante*.

(*d*) printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee, not exceeding two annas for each copy, as may be prescribed by the Corporation.

By-laws to be subject to sanction of Provincial Government.

482. (*1*) No by-law made by the Corporation under this Act shall have any validity unless and until it is sanctioned by the [1][Provincial Government].

(*2*) Before sanctioning any such by-law, the [1][Provincial Government] may modify it.

[2](*3*) The powers conferred by this section on the Provincial Government shall, in relation to any by-law made under clause (*69*) of section 478, be powers of the Central Government.

Power to Provincial Government to make rules for the amendment of certain schedules.

483. (*1*) The [1][Provincial Government] may, on the recommendation of the Corporation, by rules alter, add to or cancel any part of, or any rule contained in, any schedule except Schedule I.

(*4*) All references in this Act to any schedule which may be amended under this section shall be construed as references to such schedule as for the time being so amended.

Conditions precedent to the making of rules.

484. (*1*) The power to make rules under any section (other than section 447) of this Act is subject to the condition of the rules being made after previous publication.

(*2*) The power of the [1][Provincial Government] to make rules under section 25, sub-section (*2*), section 30, sub-sections (*1*) and (*2*), section 422, or section 483, sub-section (*1*), is also subject to the following further conditions, namely,—

(*a*) a draft of the rules shall be published in the [4][*Official Gazette*] and forwarded to the Corporation for their opinion;

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[1]*See* footnote 1 on p. 2, *ante*.

[2]Sub-section (*3*) was inserted by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

[3]Sub-sections (*2*) and (*3*) were omitted by s. 10 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

[4]*see* footnote 2 on p. 2, *ante*.

(Part VII.—Chapter XXXV.—By-laws and rules.— Sections 485—487.)

(*b*) such draft shall not be further proceeded with until six weeks after such publication or until such later date as the [1][Provincial Government] may appoint.

Certain rules to be subject to sanction.

485. (*1*) No rule made under section 56, section 71, sub-section (*9*), or section 75, sub-section (*4*), shall have any validity unless and until it is sanctioned by the [1][Provincial Government].

(*2*) Before sanctioning any such rule, the [1][Provincial Government] may modify it.

Publication of by-laws and rule in Gazette, and effect of such publication.

486. All by-laws and rules made and (where sanction is required) duly sanctioned under this Act shall be published in the [2][*Official Gazette*], and shall thereupon have effect as if enacted in this Act.

Power to Provincial Government to cancel by-law and rule.

487. (*1*) If the [1][Provincial Government] are at any time of opinion that any by-law or rule made under this Act by the Corporation should be cancelled either wholly or in part, they shall cause the reasons for such opinion to be communicated to the Corporation, and shall prescribe a reasonable period within which the Corporation may make any representation with regard thereto which they may think fit.

(*2*) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the prescribed period, the [1][Provincial Government] may at any time, by notification in the [2][*Official Gazette*], cancel such by-law or rule, either wholly or in part:

Provided that no by-law or rule shall be cancelled in part only if, within the period aforesaid, the Corporation have objected to a partial cancellation thereof.

(*3*) The cancellation of a by-law or rule under sub-section (*2*) shall take effect from such date as the [1][Provincial Government] may in the said notification direct, or, if no such date is specified, then from the date of the publication of the said notification in the [2][*Official Gazette*], except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in local newspapers.

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[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

PART VIII.

CHAPTER XXXVI.

PENALTIES.

488. (1) Whoever commits any offence by— **Certain offences punishable with fine.**

(a) contravening any provision of any of the sections, sub-sections, clauses of sections, provisos or rules of this Act mentioned in the first column of the following table, or

(b) contravening any provision of any rule made under any of the said sections, sub-sections, clauses, or provisos, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or rules,

shall be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

(2) Whoever, after having been convicted of any offence referred to in clauses (a), (b) or (c) of sub-section (1), continues to commit such offence shall be punished, for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

Explanation.—The entries in the second column of the following table, headed "Subject," are not intended as definitions of the offences prescribed in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof :—

(Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 121, sub-section (2).	Requisition by auditors to produce documents, to appear in person or to make and sign declaration, to answer question or to submit statement.	One hundred rupees.	Fifty rupees.
Section 136, sub-sections (1) and (2).	Requisition for returns of measurements and rent or annual value of land or building.	Two hundred rupees.	
Section 145 ..	Obligation to give notice of transfer of title in land or building.	Twenty-five rupees	Five rupees.
Section 155 ..	Obligation to give notice of re-occupation of unoccupied land or building.	Twenty-five rupees	Five rupees.
Section 167, sub-sections (1) and (2).	Obligation to forward statement of carriages and animals liable to taxation.	Twenty rupees.	
Section 168 ..	Requisition on occupier to forward statement of carriages and animals liable to taxation, and names and addresses of persons owning or keeping same.	Twenty rupees.	
Section 171 ..	Requisition on livery stable-keeper to produce books and accounts for inspection.	Fifty rupees ..	Ten rupees.
Section 173, sub-sections (3) and (4).	Obligation to forward list of dogs liable to taxation.	Ten rupees.	
Section 178 ..	Requisition on occupier to forward list of persons carrying on profession, trade or calling in his premises.	Fifty rupees ..	Ten rupees.
Section 181, sub-section (2).	Prohibition of introduction of petroleum into Calcutta for storage.	One thousand rupees.	
Section 183, sub-section (3).	Keeping or possessing cart not duly registered.	Twice the amount payable for registration, exclusive of the amount so payable.	
Section 183, sub-section (4).	Failing to affix registration number to cart.	Five rupees.	
Section 187, sub-section (1).	Driving cart without registration ticket.	Twenty-five rupees	Five rupees.

(Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 187, sub-section (3).	Use of false registration ticket or a ticket granted to another cart-man.	Twenty-five rupees	Five rupees.
Section 220, sub-section (2).	Improper use of filtered water supplied for domestic purposes.	Ten rupees ..	Five rupees.
Section 221, sub-section (3).	Use of unfiltered water for domestic purposes.	Five rupees.	
Section 228 ..	Requisition on owner to obtain adequate supply of water from nearest main for his building.	Twenty-five rupees	Five rupees.
Section 238, sub-section (4).	Failure to give notice of intention to occupy or vacate premises.	Thirty rupees.	
Section 243, sub-section (2).	Unauthorizedly taking water for use without Calcutta.	Fifty rupees.	
Section 246 ..	Requisition to fill up well ..	Twenty-five rupees	Five rupees.
Section 253, sub-section (1).	Constructing private street, wall or other structure over municipal drain.	One hundred rupees.	Ten rupees.
Section 257, sub-section (1).	Unlawfully connecting house-drain with municipal drain.	One hundred rupees.	Ten rupees.
Section 258 ..	Requisition to connect one house-drain with another in private street.	Twenty-five rupees	Five rupees.
Section 260 ..	Requisition on owner of premises to make house-drain and provide appliances or fittings or to remove house-drain, etc.	Fifty rupees ..	Five rupees.
Section 261 ..	Requisition on owner of premises to make house-drain communicating with nearest municipal drain or closed cesspool.	Fifty rupees	Five rupees.
Section 262 ..	Direction to owner of premises as to closing or limiting the use of house-drain.	Fifty rupees ..	Five rupees.
Section 263, sub-section (1).	Requisition to construct house-drain	Fifty rupees ..	Five rupees.
Section 264 ..	Requisition on owner of courtyard, alley or passage to pave, repair and raise level of same.	Twenty-five rupees	Five rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 265, sub-section (*2*).	Requisition on owner of land to construct new drain for benefit of occupants of hut; and failure to maintain, etc., such drain.	Fifty rupees ..	Five rupees.
Section 266 ..	Construction, maintenance and regulation of drains.	One hundred rupees.	Twenty rupees.
Section 268, sub-section (*2*).	Keeping a public privy or urinal without license or suffering a licensed public privy or urinal to be in a filthy or noxious state.	One hundred rupees.	Fifty rupees.
Section 269 ..	Provision of privy and urinal accommodation for building.	Fifty rupees.	
Section 270, sub-section (*1*).	Provision of privy and urinal and bathing or washing place for new building for twenty labourers.	Fifty rupees.	
Section 270, sub-section (*2*).	Requisition on owner of premises to provide privy, urinal and other accommodation for twenty labourers.	Fifty rupees ..	Five rupees.
Section 271 ..	Requisition on owner of premises to provide or alter privy or urinal accommodation in premises where accommodation is not provided or is insufficient.	Fifty rupees ..	Five rupees.
Section 272 ..	Requisition on owner to provide privies and urinals for premises used by large numbers of people.	Two hundred rupees.	Twenty rupees.
Section 273 ..	Construction, maintenance and regulation of privies, urinals and appurtenances thereof in accordance with rules and by-laws.	Two hundred rupees.	Twenty rupees.
Section 278, sub-section (*1*).	Requisition on owner of premises to close, remove, renew or take other order with house-drain, ventilation-shaft or pipe, cesspool, house-gully, privy or urinal.	Fifty rupees ..	Five rupees.
Section 279, sub-section (*1*).	Position of cess-pools ..	Fifty rupees.	
Section 279, sub-section (*2*).	Requisition to remove or fill up cess-pools.	Fifty rupees ..	Twenty rupees.

(Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 280, sub-section (1).	Construction of house-drain, service privy, etc., within fifty feet of tank, well, etc.	Twenty rupees.	
Section 280, sub-section (2).	Requisition on owner of land to remove receptacle for sewage or offensive matter.	Twenty rupees ..	Five rupees.
Section 284, clause (b)	Requisition on owner of premises to alter, pave, repair, etc., house-drain, cesspool, privy or urinal.	One hundred rupees.	Twenty rupees.
Section 285 ..	Requisition on occupier of premises to carry out work which owner may be required to carry out.	The amount which may be levied as fine on the owner in each case.	The amount which may be levied as daily fine on the owner in each case.
Section 287 ..	Prohibition of certain acts in connection with drainage, etc.	One hundred rupees.	Twenty rupees.
Section 291, sub-section (1).	Prohibition of execution of certain work by persons other than licensed plumbers.	One hundred and fifty rupees.	
Section 291, sub-section (2).	Prohibition of owner or occupier of premises causing or allowing certain work to be executed by persons other than licensed plumbers.	Fifty rupees.	
Section 292, sub-section (2).	Prohibition of licensed plumber demanding or receiving more than prescribed charge.	One hundred rupees.	
Section 294, sub-section (1).	Prohibition of licensed plumber infringing rules, executing work carelessly or negligently, or using bad materials, appliances or fittings.	Fifty rupees.	
Section 299, sub-section (1).	Requisition on owner or occupier of building to remove or alter verandah, etc., or fixture.	One hundred rupees.	Ten rupees.
Section 300, sub-section (1).	Requisition on person to remove wall	Fifty rupees ..	Ten rupees.
Section 303, sub-section (1).	(i) Prohibition of erection of, or addition to, building or wall within street alignment prescribed under section 302.	Two hundred and fifty rupees.	Twenty-five rupees.
	(ii) Requisition to remove building erected or added within street alignment prescribed under section 302.	Fifty rupees ..	Ten rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 303, sub-section (*3*).	Prohibition of erection of, or addition to, building between street alignment and building-line prescribed under section 302.	Two hundred rupees.	Twenty rupees.
Section 303, sub-section (*4*).	Requisition to remove building erected or added between street alignment and building-line prescribed under section 302.	Fifty rupees ..	Ten rupees.
Section 309	(*i*) Prohibition of erection of, or addition to, building or wall within street alignment of a street projected under section 308.	Two hundred and fifty rupees.	Twenty-five rupees.
	(*ii*) Requisition to remove building erected or added to on site between street alignment and building-line of a street projected under section 308.	Fifty rupees ..	Ten rupees.
Section 315	Unlawfully making or laying out a private street.	Two hundred and fifty rupees.	Twenty-five rupees.
Section 317, sub-section (*1*).	Requisition on owner of private street or owner or occupier of adjoining land to level, etc., such street.	One hundred rupees.	Ten rupees.
Section 322, sub-section (*2*).	Prohibition of licensed building surveyor demanding or receiving more than the prescribed fee in the absence of a written contract.	One hundred rupees.	
Section 324, sub-section (*6*).	Erection of new building in contravention of declaration by the Corporation.	Two hundred rupees.	
Section 325 ..	Prohibition of erection of building without permission or so as to deprive another building of proper means of access.	Two hundred rupees.	Fifty rupees.
Section 326 ..	Requisition upon owner of public building to make certain alterations in it for purposes of sanitation, etc.	Two hundred and fifty rupees.	Fifty rupees.
Section 327 ..	Requisition on owner to provide public building with external doors or to cause such doors to open outwards.	One hundred rupees.	Ten rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 328, sub-section (*1*).	Change in use of building without special permission.	Two hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	Fifty rupees in the case of a masonry building, and ten rupees in the case of a hut.
Section 328, sub-section (*2*), proviso.	Requisition to close shop ..	Twenty-five rupees	Five rupees.
Section 334, sub-section (*1*).	Erecting or using building for temporary purpose without approval of Corporation.	Fifty rupees ..	Ten rupees.
Section 337, sub-sections (*1*) and (*3*).	Requisition on owner of *bustee* of certain area to carry out improvements.	Two hundred rupees.	Twenty rupees.
Section 340 ..	Erecting or adding to hut in a *bustee* before preparation of plan by owner and approval of same.	Fifty rupees.	
Section 341 ..	Erecting or adding to hut in a *bustee* contrary to standard plan.	Twenty-five rupees.	
Section 342, sub-section (*1*).	Requisition on owner to remove hut in *bustee* not in conformity with standard plan.	Twenty-five rupees.	Five rupees.
Section 343, sub-section (*1*).	Requisition on owner of *bustee* to construct drains, etc., and to fill up, etc., tanks, wells, etc., in accordance with standard plan.	Two hundred rupees.	Twenty rupees.
Section 346 ..	Requisition on owners to carry out in *bustee* improvements indicated in Schedule A annexed to report under section 344.	Two hundred rupees.	Twenty rupees.
Section 354, sub-section (*2*).	Failure to keep open private street in *bustee* for scavenging and other purposes and for use of tenants.	Fifty rupees ..	Ten rupees.
Section 355 ..	Failure to keep open bathing and privy accommodation in *bustee* for use of tenants.	Fifty rupees ..	Ten rupees.
Section 356, sub-section (*2*).	Requisition on owner to maintain in proper order streets, drains, etc., in *bustee* according to standard plan.	Two hundred rupees.	Twenty rupees.
Section 356, sub-section (*2*), proviso.	Owner of hut to maintain convenience made by him for his own use.	Twenty-five rupees.	Five rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 356, sub-section (*3*).	Requisition on tenant or tenants of *bustee* to repair street, passage, drain, etc.	Two hundred rupees.	Twenty rupees.
Section 359, sub-section (*5*).	Requisition on owner applying to re-erect huts to carry out improvements before re-erecting such huts.	One hundred rupees.	Ten rupees.
Section 360, sub-section (*4*).	Erection of hut or portion of hut within alignment prescribed for private streets in *bustee* or other area.	Fifty rupees.	
Section 361, sub-section (*1*).	Requisition on owner or occupiers to remove huts.	Fifty rupees ..	Ten rupees.
Section 363 ..	Requisition on person erecting masonry building in *bustee* to leave space of fifteen feet from centre line of street.	One hundred rupees.	Twenty rupees.
Section 363, sub-section (*1*), clause (*i*).	Direction to alter or demolish work or structures.	Two hundred and fifty rupees in the case of a masonry building, and twenty-five rupees in the case of a hut.	Twenty-five rupees in the case of a masonry building and five rupees in the case of a hut.
Section 364, sub-section (*1*), clause (*a*).	Direction to alter or demolish certain structures.	One hundred rupees.	Fifty rupees.
Section 365, sub-section (*1*).	Requisition on person carrying on work unlawfully to stop work pending decision of Magistrate.	Two hundred and fifty rupees.	Fifty rupees.
Section 368, sub-section (*1*).	Constructing private street, building, wall or other structure over municipal gas-pipe.	One hundred rupees.	Twenty rupees.
Section 369 ..	Keeping of animals	Fifty rupees ..	Five rupees.
Section 371, sub-section (*2*).	Provision of land in *bustee* when required for temporary deposit of rubbish, etc.	Ten rupees ..	Three rupees.
Section 372, sub-section (*1*).	Direction to collect rubbish and offensive matter and deposit it at or near entrance to premises.	Ten rupees.	
Section 372, sub-section (*2*).	Direction to collect rubbish and offensive matter and deposit it in public receptacle.	Ten rupees.	

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 372, sub-section (3).	Direction to collect rubbish and offensive matter and deposit it in lump in street or premises.	Ten rupees.	
Section 373 ..	Direction to collect and remove rubbish and offensive matter accumulating on business premises or on premises in which building work is going on.	Ten rupees.	
Section 377, clause (b).	Prohibition of use by the public for bathing, etc., of any place not constructed therefor.	Ten rupees.	
Section 381, sub-section (3).	Using building declared unfit for human habitation.	Two hundred and fifty rupees.	Fifty rupees.
Section 382, sub-section (2).	Requisition on owner and occupier to demolish, or execute work on, building declared unfit for human habitation.	Two hundred and fifty rupees.	Fifty rupees.
Section 383 ..	Requisition on owner or occupier to furnish statement of occupants, accommodation, etc., of building.	Twenty-five rupees	Five rupees.
Section 384, sub-section (1).	Requisition on owner or occupier to abate overcrowding in building or room.	Twenty-five rupees	Five rupees.
Section 385, sub-section (1).	Establishing, or materially altering, enlarging or extending, factory, etc., without permission.	One thousand rupees.	Two hundred rupees.
Section 386, sub-section (1).	Using premises for certain trades, etc., without license or contrary to terms of license.	Two hundred and fifty rupees.	Fifty rupees.
Section 387, sub-section (5).	Using premises in declared area for any purpose referred to, or mentioned in section 386.	Fifty rupees ..	Five rupees.
Section 388 ..	Failure to comply with direction of Magistrate in regard to use of premises proved to be a nuisance.	Five hundred rupees.	One hundred rupees.
Section 389, sub-section (1).	Fouling water in carrying on trade or manufacture.	One thousand rupees.	Two hundred rupees.
Section 390, sub-section (1).	Using eating-house, etc., without license or contrary to terms of license.	Fifty rupees ..	Five rupees.
Section 391 ..	Keeping open theatre, circus or other place of public amusement without license or contrary to terms of license.	Five hundred rupees.	One hundred rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 394, sub-section (*1*).	Sale in municipal market without license.	Twenty-five rupees.	
Section 395, sub-section (*2*).	Establishing new private market without sanction of Corporation.	One thousand rupees.	
Section 396, sub-section (*1*).	Keeping open, etc., private market permitting any place to be used as private market or using place as slaughter-house or stock-yard without license or contrary to terms of license.	Two hundred rupees.	Twenty-five rupees.
Section 398 ..	Using as market a place which Magistrate has directed to be closed.	One hundred rupees.	Twenty rupees.
Section 399 ..	Requisition to pave and drain private market, *bazar*, private slaughter-house or place set apart for sacrifice of animals, and to alter structures in private market.	Fifty rupees ..	Ten rupees.
Section 400, sub-sections (*1*) and (*2*).	Requisition on owner or occupier of private market or *bazar* to lay out, alter, etc., approaches, roads, passages and ways, and to provide conveniences for and maintain the same, and to provide ventilation and lighting of market building.	Fifty rupees ..	Ten rupees.
Section 402, sub-section (*2*).	Destruction, etc., of by-laws and table of charges posted up in market or slaughter-house.	Ten rupees.	
Section 403, sub-section (*2*).	Requisition of tenant or agent to remove himself from market or slaughter-house.	Fifty rupees ..	Ten rupees.
Section 405, sub-section (*1*).	Carrying on trade of butcher or selling animals, meat or fish outside market without license.	One hundred rupees.	Ten rupees.
Section 406, sub-section (*1*).	Sale, etc., of adulterated or misbranded food or drug.	Five hundred rupees.	
Section 407, sub-section (*1*).	Sale, etc., of milk, butter, *ghee*, wheat flour, mustard oil, tea, edible oil, [1][edible fat] or notified article, which is not of the prescribed quality [2][or is not labelled or marked in the prescribed manner].	Five hund rupees.	

[1]The words "edible fat" were substituted for the words "or fat" by s. 7(*1*) of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[2]These words in square brackets were added by s. 8(*1*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 407, sub-section (2).	Sale, etc., of articles similar to milk, butter, *ghee*, etc.	Two hundred and fifty rupees.	
Section 408, sub-section (1).	Registration of manufactory of [1][mustard oil, edible oil or edible fat.]	Fifty rupees ..	Five rupees.
Section 408, sub-section (2).	Keeping of register by owner or person in charge of manufactory of [1][mustard oil, edible oil or edible fat] in regard to substances sent out from the manufactory.	Fifty rupees ..	Five rupees.
Section 410, sub-section (1).	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, *ghee*, wheat flour, mustard oil, tea, edible oil, [2][edible fat] or notified article.	Two hundred and fifty rupees.	
[3]*	* *		
Section 412, sub-section (1).	Sale of diseased or unwholesome animal or article intended for human food.	Two hundred and fifty rupees.	
Section 413, sub-section (1).	Keeping shop or place for retail sale of drugs without a license.	One hundred rupees.	Twenty rupees.
Section 413, sub-section (2).	Display of license in premises ..	Fifty rupees ..	Ten rupees.
Section 415, sub-section (1).	Compounding, etc., drugs in licensed shop or place without certificate or permission.	Fifty rupees.	
Section 415, sub-section (2).	Employing unauthorised person to compound, etc., drugs in licensed shop or place.	Two hundred rupees.	
Section 419, sub-section (3).	Removing, interfering or tampering with animal, food, drug, etc., seized and left in custody.	Two hundred rupees.	
Section 424, sub-sections (1), (2) and (3).	Refusal to sell or surrender articles of food or drug required for purposes of analysis.	One hundred rupees.	
Section 428 ..	Sale of milk without license ..	One hundred rupees.	Ten rupees.

[1]The words "mustard oil, edible oil or edible fat" were substituted for the words "mustard oil or edible oils" by s. 7 (2) of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[2]The words "edible fat" were substituted for the words "or fat" by s. 7(3) of the same Act.

[3]The entries relating to section 411 were omitted by s. 8 (2) of the Calcutta Municipal (Amendment Act, 1930 (Ben. Act IV of 1930.)

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 430 ..	Requisition to furnish a list of dairies from which the licensees' supply of milk is obtained.	Fifty rupees ..	Five rupees.
Section 431, sub-section (*5*).	Sale or supply of prohibited milk ..	Two hundred and fifty rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 433 ..	Information of existence of dangerous disease.	One hundred rupees.	
Section 435 ..	Medical practitioners to give information of existence of dangerous disease.	Fifty rupees.	
Section 437, sub-section (*2*).	Removing or using for the purpose of drinking or of washing clothes, water which is likely to engender or spread a dangerous disease.	Two hundred rupees.	Twenty rupees.
Section 438, sub-section (*2*).	Removal to hospital of patient suffering from dangerous disease.	One hundred rupees.	
Section 439, sub-section (*1*).	Requisition on occupier to vacate building or part thereof to admit of disinfection.	Fifty rupees ..	Ten rupees.
Section 441 ..	Letting infected building ..	Five hundred rupees.	
Section 442, sub-section (*2*).	Washing infected article at unauthorized place.	One hundred rupees.	
Section 442, sub-section (*3*).	Direction to disinfect or destroy articles likely to retain infection.	One hundred rupees.	
Section 443, sub-section (*1*).	Transmitting, etc., infected article	Two hundred rupees.	
Section 444, sub-section (*1*).	Infected person entering or causing or permitting himself to be carried in, or carrying of dead body in, public conveyance.	Fifty rupees.	
Section 444, sub-section (*3*).	Carrying infected person or dead body in public conveyance.	Two hundred rupees.	
Section 445, sub-section (*1*).	Taking public conveyance to appointed place for disinfection.	Two hundred rupees.	
Section 445, sub-section (*2*).	Intimation of numbers and disinfection of infected conveyance.	Two hundred rupees.	

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 445, sub-section (3).	Using infected public conveyance	Five hundred rupees.	
Section 446, sub-section (2).	Carrying infected persons or dead bodies in other than special conveyances without sanction of Health Officer.	Two hundred rupees.	
Section 451 ..	Information of birth ..	Ten rupees.	
Section 452 ..	Information of death ..	Ten rupees.	
Section 453 ..	Notice by medical practitioner to Health Officer stating cause of death.	Fifty rupees.	
Section 455 ..	Burying, burning or otherwise disposing of corpse without certificate.	One hundred rupees.	
Section 457, sub-section (1).	Registration of place for disposal of the dead, and depositing of plan in municipal office.	One hundred rupees.	
Section 459 ..	Opening or using place for disposal of the dead without permission.	Five hundred rupees.	
Section 460, sub-section (2).	Prohibition of use of place of public worship, etc., for disposal of the dead.	Five hundred rupees.	
Section 462, sub-section (1).	Making vault, grave or interment, or disposing of corpse, or exhuming corpse, in certain cases, without permission.	Five hundred rupees.	
Section 466, sub-section (2).	Census enumerators to obey written instructions of Superintendent.	Fifty rupees.	
Section 467, sub-section (1).	Certain persons to act as census enumerators.	Fifty rupees.	
Section 498, sub-section (5).	Production of licence or written permission.	Fifty rupees ..	Ten rupees.
Section 509 ..	Obstructing Executive Officer or other person in entering into or upon premises.	Two hundred rupees for a first offence and five hundred rupees for any subsequent offence.	
Section 527, sub-section (3).	Occupier to afford facilities to owner for complying with Act, rules, bylaws and requisitions.	One hundred rupees.	Twenty rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Section 549, sub-section (*1*), clause (*a*).	Direction to owner of building to demolish the same.	Five hundred rupees in the case of a masonry building, and fifty rupees in the case of a hut.	One hundred rupees in the case of a masonry building, and ten rupees in the case of a hut.
Schedule XIV, rule 1, sub-rule (*2*).	Requisition on owner to lay down separate service-pipe from main for supply of water to his premises.	Fifty rupees ..	Ten rupees.
Schedule XIV, rule 2, sub-rule (*1*).	Obligation on owner to provide separate stop-cocks for controlling supply of unfiltered water.	Fifty rupees ..	Ten rupees.
Schedule XIV, rule 3.	Requisition on owner to fix outer stop-cock so as always to be accessible from nearest street.	Fifty rupees ..	Ten rupees.
Schedule XIV, rule 5, sub-rule (*3*).	Executing works for supply of water otherwise than in presence of authorized municipal officer.	Fifty rupees.	
Schedule XIV, rule 7, sub-rule (*1*).	Requisition on owner or occupier of premises to replace or alter fittings for supply of water.	Fifty rupees ..	Five rupees.
Schedule XIV, rule 12.	Fraud in respect of meter ..	One hundred rupees.	
Schedule XIV, rule 13.	Injuring meter or fittings thereof	One hundred rupees.	
Schedule XV, rule 14, sub-rule (*2*).	Requisition on owner or occupier of premises to repair, flush, cleanse, etc., or take other order with house-drain.	Fifty rupees ..	Five rupees.
Schedule XV, rule 15, sub-rule (*2*).	Requisition on owner or occupier of premises to repair, flush, cleanse or empty joint house-drain.	Fifty rupees ..	Five rupees.
Schedule XV, rule 16, sub-rule (*1*).	Requisition on person laying private underground drain to alter or add to the work.	Fifty rupees ..	Five rupees.
Schedule XV, rule 17.	Unlawfully constructing drain so as to pass beneath a building.	One hundred rupees.	
Schedule XV, rule 21, sub-rule (*4*).	Attaching service-privy or service-urinal to inhabited portion of any building.	Fifty rupees ..	Five rupees.

(Part VIII.—Chapter XXXVI.—Penalties.—Section 488.)

Sections, sub-sections, clauses provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Schedule XV, rule 22, sub-rule (1).	Placing service-privy or service-urinal on upper floor.	Twenty rupees ..	Five rupees.
Schedule XV, rule 22, sub-rule (2).	Requisition to convert service-privy or service-urinal into a connected-privy or connected-urinal.	Twenty rupees ..	Five rupees.
Schedule XV, rule 23, sub-rule (1).	Requisition to form a passage giving access to a privy or urinal from the street.	Twenty rupees ..	Five rupees.
Schedule XV, rule 38.	Requisition to alter privy or urinal	Twenty rupees ..	Five rupees.
Schedule XVI, rule 1, sub-rule (2).	Requisition to trim, prune or cut hedge and trees.	Ten rupees ..	Three rupees.
Schedule XVI, rule 2, sub-rule (1).	Erection of verandah supported by pillars resting on street.	Two hundred and fifty rupees.	Fifty rupees.
Schedule XVI, rule 2, sub-rule (2).	Placing roof on certain verandahs ..	One hundred rupees.	Twenty rupees.
Schedule XVI, rule 2, sub-rule (3).	Putting up verandahs, etc., to project over street without permission.	Two hundred and fifty rupees.	Fifty rupees.
Schedule XVI, rule 2, sub-rule (5).	Requisition on owner or occupier of building to comply with condition subject to which permission was given to put up verandahs, etc., projecting over street.	One hundred rupees.	Twenty rupees.
Schedule XVI, rule 2, sub-rule (6).	Requisition on owner or occupier of building to remove verandahs, etc., projecting over street.	One hundred rupees.	Twenty rupees.
Schedule XVI, rule 3, sub-rule (1).	Erection or maintenance of sky-sign without permission.	Two hundred rupees.	Fifty rupees.
Schedule XVI, rule 4, sub-rule (2).	Unlawfully removing fence or shorting timber or removing or extinguishing light.	Fifty rupees.	
Schedule XVI, rule 5, sub-rule (3).	Unlawfully infringing order prohibiting traffic or removing bar, chain or post in street.	Fifty rupees.	
Schedule XVI, rule 6, sub-rule (2).	Unlawfully destroying, pulling down, etc., name of public street.	Twenty rupees.	
Schedule XVI, rule 7, sub-rule (2).	Unlawfully destroying, pulling down, etc., number of premises or affixing a private number.	Twenty rupees.	
Schedule XVII, rule 5, sub-rule (1).	Requisition to provide staircases ..	Fifty rupees ..	Ten rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 488.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Schedule XVII, rule 5, sub-rule (*2*).	Requisition to provide lift or similar contrivance.	Fifty rupees ..	Ten rupees.
Schedule XVII, rule 7, sub-rule (*1*).	Construction of external roofs or walls of buildings with inflammable materials.	Fifty rupees ..	Five rupees.
Schedule XVII, rule 7, sub-rule (*2*).	Requisition on owner of building to remove or alter external roof or wall.	Twenty-five rupees	Five rupees.
Schedule XVII, rule 19.	Sending written notice to Corporation before commencing to erect masonry building.	Twenty-five rupees.	
Schedule XVII, rule 20.	Sending written notice or certificate, or sending untrue certificate, to Corporation after completion of erection of masonry building.	Fifty rupees.	
Schedule XVII, rule 22, sub-rule (*1*).	Requisition on owner of building to make specified alterations.	Two hundred and fifty rupees in the case of a masonry building, and twenty-five rupees in the case of a hut.	Twenty-five rupees in the case of a masonry building, and five rupees in the case of a hut.
Schedule XVII, rule 55, sub-rule (*1*) and sub-rule (*4*).	Employment of licensed building surveyor or other competent person to supervise erection of certain masonry buildings.	One hundred rupees.	Ten rupees.
Schedule XVII, rule 62.	Erection of masonry building without written permission.	Two hundred rupees.	
Schedule XVII, rule 64, sub-rule (*1*).	Erection of masonry building without fresh permission after lapse of original permission.	One hundred rupees.	
Schedule XVII, rule 88, sub-rule (*1*).	Erection of hut without written permission.	Fifty rupees.	
Schedule XVII, rule 89.	Erection of hut without fresh permission after lapse of original permission.	Twenty-five rupees.	
Schedule XVIII, rule 2.	Requisition on owner or occupier to lime-wash or otherwise cleanse building.	Twenty-five rupees	Five rupees.
Schedule XVIII, rule 3.	Requisition on owner or person concerned to secure, enclose, cleanse or clear land or building which is untenanted, filthy or a nuisance.	Twenty-five rupees	Five rupees.

(*Part VIII.—Chapter XXXVI.—Penalties.—Section 489.*)

Sections, sub-sections, clauses, provisos or rules.	Subject.	Fine which may be imposed.	Daily fine which may be imposed.
1	2	3	4
Schedule XVIII, rule 4, sub-rule (*1*).	Requisition on owner or occupier to take down, repair or secure wall, building or fixture in a ruinous state, etc.	Two hundred and fifty rupees.	One hundred rupees.
Schedule XVIII, rule 4, sub-rule (*2*).	Requisition on inmate to vacate building in ruinous state, etc.	One hundred rupees.	Fifty rupees.
Schedule XVIII, rule 6, sub-rule (*1*).	Requisition on owners or occupiers to execute works or take measures with respect to buildings or block of buildings in order to prevent risk of disease.	Five hundred rupees in the case of a masonry building or block of masonry buildings, and one hundred rupees in the case of a hut or block of huts.	One hundred rupees in the case of a masonry building or block of masonry buildings, and twenty rupees in the case of a hut or block of huts.
Schedule XVIII, rule 7, sub-rule (*1*).	Requisition to cleanse, fill up or de-water well, pool, ditch, tank, pond or marshy ground, or to drain off or remove waste or stagnant water.	Two hundred rupees.	Fifty rupees.
Schedule XVIII, rule 9, sub-rule (*3*).	Making excavation or digging cess-pool, tank, pond, well or pit after prohibition.	One hundred rupees.	
Schedule XVIII, rule 9, sub-rule (*4*).	Requisition on owner or occupier of land to fill up excavation, cesspool, tank, pond, well or pit unlawfully made.	Fifty rupees ..	Five rupees.

Certain offences punishable with increased fine or imprisonment or both, for a second or subsequent conviction.

489. Whoever commits any offence by contravening any provision of the section or any of the sub-sections of this Act mentioned in the first column of the following table shall, notwithstanding anything contained in section 488, be punished, for a second or subsequent offence, with fine or imprisonment, or with both, to the extent mentioned in the third column thereof.

Explanation.—The entries in the second column of the following table, head "Subject" are not intended as definations of the offences

(*Part VIII.—Chapter XXXVI.—Penalties.— Section 489.*)

described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject thereof :—

Section or sub-sections.	Subject.	Maximum fine or imprisonment, or both, which may be imposed for a second or subsequent offence.
1	2	3
Section 406, sub-section (*1*).	Sale, etc., of adulterated or misbranded food or drug.	One thousand rupees, or imprisonment for three months, or both.
Section 407, sub-section (*1*).	Sale, etc., of milk, butter, *ghee*, wheat flour, mustard oil, tea, edible oil, [1][edible fat] or notified article, which is not of the prescribed quality [2][or is not labelled or marked in the prescribed manner].	One thousand rupees, or imprisonment for three months, or both.
Section 407, sub-section (*2*).	Sale, etc., of articles similar to milk, butter, *ghee*, etc.	Five hundred rupees, or imprisonment for three months, or both.
Section 410, sub-section(*1*).	Keeping or permitting to be kept substance intended to be used for adulteration of milk, butter, *ghee*, wheat flour, mustard oil, tea, edible oil, [1][edible fat] or notified article.	Five hundred rupees, or imprisonment for three months, or both.
[3]* *	* *	* *
Section 412, sub-section (*1*).	Sale of diseased or unwholesome animal or article intended for human food.	Five hundred rupees, or imprisonment for three months, or both.

[1]The words "edible fat" were substituted for the words "or fat" by s. 8 of the Calcutta Municipal (Amendment) Act, 1931 (Ben. Act VI of 1931).

[2]These words in square brackets were added by s. 8 (*1*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

[3]The entries relating to section 411 were omitted by s. 8 (*2*) of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(Part VIII.—Chapter XXXVI.—Penalties.—
Sections 490—492.)

Punishment for contravening rule made under section 447.

490. Whoever contravenes any provision of any rule made under section 447 shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

Act XLV of 1860.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

491. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employee, otherwise than as such officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Corporation, not being a share or interest such as, under clause (*ii*) or clause (*iv*) of proviso (*a*) to sub-section (*1*) of section 22, it is permissible for a Councillor or an Alderman to have without being thereby disqualified for being a Councillor or an Alderman, he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Fine for not taking out certain licenses.

492. (*1*) If any person—

(*a*) owns or is in charge of any carriage or animal liable to any tax imposed under Chapter XI, or

(*b*) exercises on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XII, or

(*c*) exercises on or after the first day of June or the first day of December in any year any calling referred to in Chapter XIII,

without having the license prescribed by those chapters, respectively, he shall be punished with fine which—

(*i*) may extend to three times the amount payable in respect of such license, and

(*ii*) shall not ordinarily be less than one-and-a-half times such amount.

(*2*) Such fine, when levied, shall be taken in full satisfaction of the demand on account of the said license.

(*3*) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 170, fails to pay such sum, the amount due for a license being taken as the amount so compounded for.

(Part VIII.—Chapter XXXVI.—Penalties.— Sections 493, 494.)

Fine for unlawfully commencing, carrying on or completing building work.

493. If the erection of any new building—

(*a*) is commenced without obtaining the written permission of the Corporation, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in breach of any provision contained in this Act or in any rules or by-laws made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

if any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building is commenced, carried on or completed in breach of section 330,

the owner of the building shall be liable to fine which may extend in the case of a masonry building to five hundred rupees and in the case of a hut to fifty rupees, and to further fine which may extend in the case of a masonry building to one hundred rupees and in the case of a hut to ten rupees for each day during which the offence is continued after the first day:

Provided that where an application has been made under section 363 or section 364, no proceedings shall be instituted by the Corporation under this section.

Fine for putting building to other than declared use.

494. When a new building has been erected, or when any building has been altered or added to after a statement has been made, under rule 53 or rule 81 of Schedule XVII, that it was intended to use the building or any substantial part thereof for any of the purposes specified in Schedule XIX, or as a stable, cattle-shed or cow-house, then any person putting the building or such part thereof to any use other than that so stated shall be liable,—

(*a*) in the case of a masonry building, to fine which may extend to two hundred and fifty rupees, and to further fine which may extend to fifty rupees for every day after the first during which he continues such use, and,

(*b*) in the case of a hut, to fine which may extend to twenty-five rupees, and to further fine which may extend to five rupees for every day after the first during which he continues such use.

Fine for using building for carrying on offensive trade without previous declaration.

495. When a new building has been erected, or when any building has been altered or added to under this Act without any statement having been made under rule 53 or rule 81 of Schedule XVII, that it was intended to use the building or any substantial part thereof for any of the purposes specified in Schedule XIX, or as a stable, cattle-shed or cow-house, then any person using the building or such part thereof for any of those purposes shall be liable,—

(a) in the case of a masonry building, to fine which may extend to two hundred and fifty rupees, and to further fine which may extend to fifty rupees for every day after the first during which he continues such use, and,

(b) in case of a hut, to fine which may extend to twenty-five rupees, and to further fine which may extend to five rupees for every day after the first during which he continues such use.

Penalty on *mehtars*, etc., withdrawing from work without notice.

496. Any *mehtar* or other servant of the Corporation referred to in section 376 who withdraws from his duties in contravention of that section shall be punished with fine which may extend to fifty rupees, or with simple imprisonment for a term which may extend to three months, or with both, and shall be liable to forfeit any salary which may be due to him.

Penalty for obstructing contractor or removing mark.

497. Any person who, in contravention of section 555, obstructs or molests any person with whom the Corporation have entered into a contract, or, in contravention of section 556, removes any mark, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months.

PART IX.

CHAPTER XXXVII.

PROCEDURE.

Licenses and written permissions.

Duration, conditions, signature, suspension, revocation and production of licenses and written permissions.

498. (1) Every license and written permission granted under this Act or under any rule or by-law made thereunder shall be signed by the Executive Officer and shall specify—

(a) the date of the grant thereof;

(*b*) the purpose and the period (if any) for which it is granted;

(*c*) the restrictions and conditions (if any) subject to which it is granted;

(*d*) the name of the person to whom it is granted; and

(*e*) the tax or fee, if any, paid for the license or written permission.

(*2*) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Corporation, and such fee shall be payable by the person to whom the license is granted.

(*3*) Subject to the provisions of proviso (*i*) to sub-section (*1*) of section 396, any license or written permission granted under this Act or under any rule or by-law made thereunder may at any time be suspended or revoked by the authority by whom it was granted, if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or by-law made thereunder in any matter to which such license or permission relates.

(*4*) When any such license or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall for all purposes of this Act or of any rule or by-law made thereunder be deemed to be without a license or written permission until such time (whether within the said period or otherwise) as the authority granting the same may see fit to cancel the order suspending or revoking the license or written permission, or until the license or written permission is renewed, as the case may be.

(*5*) Every grantee of any such license or written permission shall at all reasonable times, while such license or written permission remains in force, produce the same at the request of the Executive Officer.

Public notices and advertisements.

Public notices how to be made known.

499. Every public notice given under this Act or under any rule or by-law made thereunder shall be in writing under the signature of the Executive Officer,

and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by

publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Executive Officer may think fit.

500. Whenever it is provided by this Act or by any rule or by-law made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Calcutta. **Newspapers in which advertisements or notices to be published.**

Evidence.

501. Whenever under this Act or under any rule or by-law made thereunder the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of— **Proof of consent, etc., of Corporation or municipal officer.**

(a) the Corporation, or

(b) any municipal officer,

as the case may be, a written document signed in case (a) by the Secretary to the Corporation, and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature and service of notices, etc.

502. (1)* Every license, written permission, notice, bill, summons or other document which is required by this Act or by any rule or by-law made thereunder to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such municipal officer stamped thereupon. **Signature on notices, etc., may be stamped.**

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 83.

503. All notices, bills, summonses and other documents required by this Act or by any rule or by-law made thereunder to be served upon, or issued to, any person, shall be so served or issued by municipal officers or servants or by other persons authorized by the Executive Officer in that behalf. **Notices, etc., by whom to be served or issued.**

(Part IX.—Chapter XXXVII.—Procedure.— Sections 504, 505.)

Service how to be effected on owner or occupier of premises.

504. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person as owner or occupier of any land or building, it shall not be necessary to name the owner or occupier in the document, and the service or issue thereof shall be effected—

(*a*) by giving or tendering such document to the owner or occupier:

Provided that if there is more than one owner or occupier and it is not in the opinion of the Corporation practicable to serve the document on every one of them, the Corporation may serve the document on any one or more of them as they think fit;

(*b*) if the owner or occupier is not found, by giving or tendering such document or by sending it by registered post to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers; or,

(*c*) if none of the means mentioned in clause (*a*) or clause (*b*) be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXIII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building to which the document relates.

Service how to be effected otherwise than on owner or occupier of premises.

505. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person otherwise than as owner or occupier of any land or building, such service or issue shall be effected—

(*a*) by giving or tendering such document to such person; or,

(*b*) if such person is not found, by leaving such document at his last known place of abode or business in Calcutta, or by giving or tendering the same or by sending it by registered post to any adult male member of his family or servant in his employ; or,

(*c*) if such person does not reside in Calcutta and his address elsewhere is known to the Executive Officer, by forwarding such document to him by registered post under cover bearing the said address; or,

(*d*) if none of the means referred to in clauses (*a*), (*b*) or (*c*) be available, by causing a notice on yellow paper in a form prescribed in Schedule XXIII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

506. Nothing in sections 503, 504 and 505 shall apply to any summons issued under this Act by a Magistrate. **Sections 503 to 505 not to apply to Magistrate's summons.**

Powers of entry.

507. (*1*) The Executive Officer may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or execute any work which is authorized by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute: **Power to Executive Officer to enter permises to inspect, survey, etc., and to use force in certain cases.**

Provided as follows:—

(*a*) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;

(*c*) notwithstanding any power to enter any premises conferred upon the Executive Officer by this Act or by any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to

females to withdraw to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) The Executive Officer shall not use any force for the purpose of effecting any entry under sub-section (1), unless—

(i) such entry cannot otherwise be effected, and

(ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule or by-law made thereunder.

(3) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1), or by the use of any necessary force under sub-section (2).

Power to Executive Officer to enter on lands adjacent to works.

508. (1) The Executive Officer may enter upon any land adjoining or within one hundred yards of any works authorised by this Act or by any rule or by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works.

(2) The Executive Officer shall, before entering upon any land under sub-section (1), give the owner and occupier (if any) three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.

(3) The Executive Officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occupier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(Part IX.—Chapter XXXVII.—Procedure.— Sections 509, 510.)

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Executive Officer, he may appeal to the Corporation, whose decision shall be final.

Prohibition of obstructing entry under section 507 or 508.

509. No person shall, in any way, obstruct the Executive Officer in making any entry under section 507 or section 508, or any municipal officer or other person accompanying the Executive Officer at his request or acting under his orders for the purpose of such entry.

Enforcement of orders to execute work, etc.

Time for complying with requisition or order, and power to Corporation to enforce requisition or order in default of person directed.

510. (1) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by the Corporation or by any municipal officer empowered under section 12 in this behalf,—

(a) a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and

(b) a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by the Corporation or the municipal officer issuing the notice.

(2) If, in any case not otherwise provided for in this Act or in any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (a) of sub-section (1), the Executive Officer may, subject to the provisions of sections 511, 512 and 513, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisitions or order so made;

and, unless it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(3) The Executive Officer may take any measures, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment, under this Act or under any rule or by-law made thereunder for such failure.

(Part IX.—Chapter XXXVII.—Procedure.—Sections 511—513.)

Submision of objections to complying with notice.

511. (*1*) Any person who is served with a written notice in which a period for receiving objections has been prescribed under clause (*b*) of sub-section (*1*) of section 510 may, within the said period, deliver to the Corporation or the municipal officer by whom it was issued a written objection setting forth any reasons which he may desire to urge for the withdrawal or modification of the notice.

(*2*) If any such objection be delivered before the expiration of the said period, the execution of the work shall be postponed until the Corporation or the municipal officer by whom the notice was issued has passed orders on the objection.

(*3*) If the objector has stated in his written objection that he wishes to be heard in person, he shall be entitled to be so heard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf by the Corporation or the municipal officer by whom the notice was issued.

Right of person served with notice to require estimate of expenses of work.

512. (*1*) Any person on whom a written notice referred to in section 511, sub-section (*1*), has been served may,—

(*a*) instead of delivering an objection under section 511, or

(*b*) at the time of delivering such an objection,

apply within the period prescribed in clause (*b*) of sub-section (*1*) of section 510, to the Corporation or the municipal officer by whom the notice was issued for an estimate of the expenses which would be incurred if the notice were enforced under section 510, sub-section (*2*); and, on receipt of such an application, the Corporation or the said officer shall supply such estimate.

(*2*) If the Corporation or the said officer fail to supply such estimate, not more than five rupees shall be charged to the said person for any work executed by the Executive Officer by way of enforcing the said notice under section 510.

Reference of objections to Corporation.

513. (*1*) If any estimate supplied under section 512 in respect of any work referred to in any written notice exceeds three hundred rupees, no work shall be executed by the Executive Officer by way of enforcing the said notice until the expiration of a fortnight from the date on which the estimate was so supplied.

(*2*) Within a period of seven days from the said date, the person on whom the notice was served may

apply in writing to have his objections to the execution of the work or to the estimated cost of the work determined by the Corporation;

and, if such application be made within the said period, no work shall be executed under section 510, by way of enforcing the said notice, until the Corporation have disposed of such objections.

Recovery of expenses.

514. Whenever under this Act or under any rule or by-law made thereunder the expenses of any work executed or of any measures taken or thing done by, or under the order of, the Corporation, any Magistrate or any municipal officer empowered under section 12 in this behalf, are payable by any person, the Corporation may, if they think fit, instead of recovering any such expenses in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of not less than six *per centum per annum*, within a period of not more than six years.

Power to Corporation to accept agreement for payment of expenses in instalments.

515. (*1*) If any expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

Power to Corporation to declare certain expenses to be improvement expenses.

(*a*) in section 258, section 260, section 263, sub-section (*1*), section 271, section 278, section 317, section 347, section 399 or section 400, sub-section (*1*), clause (*b*), or rule 5 of Schedule XIV, or rule 7 of Schedule XVIII, or

(*b*) in any rule or by-law made under this Act by which this section is made applicable to such expenses,

the Corporation may, if they think fit, declare such expenses to be improvement expenses.

(*2*) A register shall be maintained by the Corporation showing all expenses declared to be improvement expenses under this section, and such register shall be open to inspection by any person upon payment of such fee as may from time to time be prescribed by the Corporation.

(Part IX.—Chapter XXXVII.—Procedure.—Sections 516—519.)

Improvement expenses how recoverable and by whom payable.

516. (*1*) Improvement expenses, as declared under section 515, shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred, and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of not less than six *per centum per annum*, within such period, not exceeding thirty years, as the Corporation may in each case determine.

(*2*) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall, subject to any agreement to the contrary between the owner and the occupier, be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner in any Court of competent jurisdiction.

Right of owner or occupier to redeem charge for improvement expenses.

517. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Corporation such part of the said expenses as are still payable.

Execution of work by occupier in default of owner, and deduction of expenses from rent.

518. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier (if any) of such land or building may, with the approval of the Executive Officer, execute the said work, and he shall, subject to any agreement to the contrary between the owner and the occupier, be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner.

Relief to receivers, agents and trustees.

519. (*1*) Whenever any person, by reason of his—

(*a*) receiving the rent of immovable property as a receiver, agent or trustee, or

(*b*) being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant,

would, under this Act or under any rule or by-law made thereunder, be bound to discharge any obligation imposed thereby on the owner of the property and for

(Part IX.—Chapter XXXVII.—Procedure.—
Sections 520—522.)

the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

he shall, within a reasonable time from the service upon him of any notice from the Corporation or any municipal officer empowered under section 12 in this behalf requiring him to discharge the said obligation, be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the case may require.

(2) Any receiver, agent or trustee who fails to apply to the Court under sub-section (1) shall be deemed to be personally liable to discharge the said obligation.

Payment of compensation.

520. In any case not otherwise expressly provided for in this Act or in any rule or by-law made thereunder, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in the Corporation or in any municipal officer or servant.

General power to Corporation to pay compensation.

521. (1) Any person who has been convicted of an offence against this Act or against any rule or by-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Corporation may consider reasonable.

Compensation to be paid by offenders for damage caused by them.

(2) In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

522. (1) If, when the Corporation demand payment of any expenses referred to in section 514, their right to demand the same or the amount of the demand is disputed, the Corporation shall refer the case for the determination of the Court of Small Causes having

Reference by Corporation to Small Cause Court in certain cases.

local jurisdiction, or if the amount involved exceeds two thousand rupees, to the High Court.

(2) The Corporation shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by them, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be due.

Application to Small Cause Court in other cases.

523. (1) Where, in any case not provided for by section 522, the Corporation are, or any municipal officer or servant or any other person is, required by this Act, or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having local jurisdiction, or by the High Court, as the case may be, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) This section shall not apply to any case which is otherwise provided for in section 421, sub-section (3), section 521, sub-section (2), or section 535, sub-section (2), or in the Land Acquisition Act, 1894, as amended by section 475 of this Act. I of 1894.

Recovery of sums ascertained under section 523 to be due.

524. If the amount of any expenses or compensation determined in accordance with section 523 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the Court of Small Causes.

Power to sue for expenses or compensation.

525. Instead of proceeding in any manner hereinbefore prescribed for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the Corporation or any other person claiming the sum due or the balance of the sum due, as the case may be, may recover such amount by suit brought in any Court of competent jurisdiction against the person liable for the same.

Recovery of certain dues.

Recovery of certain dues by distress and sale.

526. In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, costs,

(Part IX.—Chapter XXXVII.—Procedure.—
Sections 527, 528.)

expenses, fees, rates or rent or on any other account under this Act or under any such rule or by-law shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XVI.

Obstruction of owner by occupier.

527. (*1*) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Court of Small Causes having local jurisdiction.

Application to Small Cause Court by owner when occupier prevents his complying with Act, etc.

(*2*) The Court, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if it thinks fit, direct that the costs of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liablility which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Proceedings before Court of Small Causes.

528. (*1*) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes, the said Court may, for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 1882 or the Provincial Small Cause Courts Act, 1887 as the case may be;

General powers and procedure of Small Cause Courts.

XV of 1882. IX of 1887.

and, in all matters relating to any such inquiry or proceeding, the said Court shall be guided generally by

the provisions of the said Presidency Small Cause Courts Act, or of the said Provincial Small Cause Courts Act, as the case may be, so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court may hear and determine the case in his absence.

(3) The cost of every such inquiry or proceeding, as determined by the said Court, shall be payable by such parties and in such proportions as the said Court may direct, and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the said Court.

Fees in proceedings before Small Cause Courts

529. (1) The [1][Provincial Government] may, by notification in the [2][*Official Gazette*], prescribe what fee (if any) shall be paid—

(a) on any application, appeal or reference made under this Act to a Court of Small Causes; and

(b) for the issue, in connection with any inquiry or proceeding of any such Court under this Act, of any summons or other process:

Provided that the fees (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, under the provisions of the Presidency Small Cause Courts Act, 1882 or the Provincial Small Cause Courts Act, 1887 as the case may be, in cases in which the value of the claim or subject-matter is of like amount. XV of 1882. IX of 1887.

(2) The [1][Provincial Government] may, by a like notification, determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by any Court of Small Causes until the fee (if any) prescribed therefor under clause (a) of sub-section (1) has been paid:

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

Provided that the said Court may, in any case, in which it thinks fit so to do,—

(i) receive an application, appeal or reference made by or on behalf of a poor person, and

(ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment of half-fees on settlement before hearing.

530. Whenever any application, appeal or reference made under this Act to a Court of Small Causes, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court to the parties by whom the same have respectively been paid.

Proceedings before Magistrates.

Municipal Magistrates.

531. (1) The [1][Provincial Government] may appoint one or more Magistrates for the trial of offences against—

(a) this Act, and

(b) the rules or by-laws made thereunder,

and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

(2) Such Magistrates shall be called Municipal Magistrates, and shall, if they are stipendiary, be paid such salary, pension and leave-allowances by the [1][Provincial Government] as may from time to time be fixed by the [1][Provincial Government].

(3) The Corporation shall, out of the Municipal Fund, pay to the [1][Provincial Government] the amounts of the salary, pension and leave-allowances as fixed under sub-section (2), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.

(4) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

Cognizance of offences.

532. All offences against this Act or against any rule or by-law made thereunder, whether committed in or without Calcutta, shall be cognizable by any Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of

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[1]See footnote 1 on p. 2, ante.

*(Part IX.—Chapter XXXVII.—Procedure.—
Sections 533, 534.)*

taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his being—

(*a*) liable to pay any municipal rate or other tax, or

(*b*) benefited by the Municipal Fund [1]* * *.

Power to Magistrate to hear cases in absence of accused when summoned to appear.

533. If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if—

(*a*) service of the summons is proved to his satisfaction, and

(*b*) no sufficient cause is shown for the non-appearance of such person,

hear and determine the case in his absence.

Limitation of time for prosecution.

534. (*1*) No person shall be liable to punishment for any offence against this Act or against any rule or by-law made thereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 136, within six months, next after—

(*a*) the date of the commission of such offence, or

(*b*) if such date is not known or the offence is continuous in its nature, the date on which the commission or existence of such offence was first brought to the notice of the Corporation or the Executive Officer.

(*2*) Failure to take out a license under this Act shall be deemed, for the purpose of sub-section (*1*), to be a continuing offence until the expiration of the period for which the license is required to be taken out.

(*3*) When before the expiration of the period of limitation prescribed by sub-section (*1*) for a prosecution for failure to comply with a requisition made by the Corporation under sections 343, 344 or 346, a notice under section 359, sub-section (*1*), has been sent to the Corporation by any person to whom such requisition has been addressed, a fresh period of limitation of three months for such prosecution shall be computed from the expiration of the period of six months or more referred to in section 359, sub-section (*3*).

[1]The words "to the credit of which any fine imposed by him shall be payable" were omitted by Sch. IV to Government of India (Adaptation of Indian Laws) Order, 1937.

(Part IX.—Chapter XXXVII.—Procedure.—Sections 535—537.)

535. (*1*) The Corporation, or any person who resides or owns property in Calcutta may complain to a Magistrate of the existence of any nuisance. **Complaints concerning nuisances, and procedure thereupon.**

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Corporation—

(*a*) to put in force any of the provisions of this Act or of the rules or by-laws made thereunder, or to take such measures as to such Magistrate may seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to recover the expenses of so doing from any person specified in this behalf in such order; and

(*c*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

536. When under this Act or under any rule or by-law made thereunder any person is liable, in respect of any unlawful work,— **Power to Magistrate to direct demolition and payment of fine in respect of unlawful works.**

(*a*) to pay a fine, and

(*b*) to be required to demolish the work,

a Magistrate may, in his discretion and subject to the provisions of sections 363, 364 and 493, direct the said person to pay the fine and also to demolish the work.

Legal proceedings.

537. The Corporation may,— **Power to Corporation to institute, etc., legal proceedings and obtain legal advice.**

(*a*) institute, defend or withdraw from legal proceedings under this Act or under any rule or by-law made thereunder;

(*b*) compound any offence against this Act or against any rule or by-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded;

(*c*) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder; and

(*d*) obtain such legal advice and assistance as they may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation or any municipal officer or servant.

Notice, limitation and tender of amends in suit against the Corporation, etc.

538. (*1*) No suit shall be instituted against the Corporation or any municipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant in respect of any act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the residence of such officer, servant or person, stating—

(*a*) the cause of action,

(*b*) the name and residence of the intending plantiff, and

(*c*) the relief which he claims.

(*2*) Every such suit shall be commenced within four months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (*1*).

(*3*) If the Corporation or any person to whom any notice is given under sub-section (*1*), tender sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(*4*) If no such tender be made, the Corporation or such person may pay into Court such sum of money as they or he thinks fit, and thereupon such proceeding shall be had as in other cases in which defendants are allowed to pay money into Court.

(*5*) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1937

Indemnity to the Corporation, etc.

539. No suit shall be maintainable against the Corporation or any municipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant, or of a Magistrate, in respect of anything done lawfully and in good faith and with due care and attention under this Act or under any rule or by-law made thereunder.

PART X.

CHAPTER XXXVIII.

SUPPLEMENTAL PROVISIONS.

Extension of Act to Howrah and to other municipalities in the neighbourhood of Calcutta.

540. The [1][Provincial Government] may, by notification published in the [2][*Official Gazette*] and in such other manner as they may determine, declare their intention to extend to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto. Power to Provincial Government to notify intention to extend Act to Howrah or other neighbouring municipality.

541. (*1*) The Commissioners of the Municipality of Howrah or of such other neighbouring municipality as may be specified in a notification published under section 540, or any inhabitants or rate-payers thereof, may, if they object to the declaration contained therein, submit their objection in writing to the [1][Provincial Government] within such period as may be specified in this behalf in the said notification; and the [1][Provincial Government] shall take such objections into consideration. Power to Provincial Government to extend Act after considering objections.

(*2*) When the said period has expired, and the [1][Provincial Government] has considered the objections (if any) which have been submitted under sub-section (*1*), the [1][Provincial Government] may, by notification in the [2][*Official Gazette*], extend to the Municipality of Howrah or to the said neighbouring municipality, or to the part thereof specified in the said notification, as the case may be, all or any of the portions of this Act which were specified in that notification, subject to the modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the [1][Provincial Government] may think fit, or without modification or restriction of any kind.

542. If all or any portions of this Act which do not already apply to the Municipality of Howrah or to any other municipality in the neighbourhood of Effect of extension of Act.

[1]*See* footnote 1 on p. 2, *ante*.
[2]*See* footnote 2 on p. 2, *ante*.

Calcutta be extended to such municipality, or to any part thereof, under section 541, then—

(*a*) the Bengal Municipal Act, [1][1932], or the corresponding portions of that Act, as the case may be, shall be repealed in the said municipality or part on and from the date of such extension; and

(*b*) except as the [2][Provincial Government] may otherwise by notification in the [3][*Official Gazette*] direct, all rules, by-laws, orders, directions and powers made, issued or conferred under the portions of this Act which have been so extended and in force at the date of such extension, shall apply to the said municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Municipal Act, [1][1932].

Explanation.—The extention to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, of any portion of this Act shall not have the effect of placing the said municipality or part under the authority of the Corporation of Calcutta.

Inclusion of areas in the neighbourhood of Calcutta within Calcutta.

Power to Provincial Government to include certain areas within Calcutta.

543. (*1*) The [2][Provincial Government] may, by notification published in the [3][*Official Gazette*] and in such other manner as they may determine, declare their intention to include any special area in the neighbourhood of Calcutta within the limits of Calcutta, to be administered by the Corporation under this Act.

(*2*) The local authority having jurisdiction in the said area or any of the inhabitants thereof, may, if they object to such declaration, submit their objection in writing to the [2][Provincial Government] within such period as may be specified in this behalf in the said notification; and the [2][Provincial Government] shall take such objections into consideration.

(*3*) When the said period has expired and the [2][Provincial Government] have considered the objections

[1]This figure was substitued for the figure "1884" by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).
[2]*See* footnote 1 on p. 2, *ante*.
[3]*See* footnote 2 on p. 2, *ante*.

(if any) which have been submitted under subsection (*2*), and if [1][both Chambers of the Bengal Legislature] [2]have by a resolution recommended the extension, with or without modifications, the [3][Provincial Government] may issue the notification including such area or any portion thereof within the limits of Calcutta, to be administered by the Corporation under this Act, and such notification shall thereafter be of full force and effect, and Schedule I to this Act shall be deemed to be amended accordingly.

544. (*1*) When the said area is included within the limits of Calcutta, under section 543, then— **Effect of inclusion.**

Ben. Act XV of 1932. Ben. Act III of 1885. Ben. Act V of 1919.

(*a*) the Bengal Municipal Act, [4][1932], or the Bengal Local Self-Government Act of 1885 or the Bengal Village Self-Government Act, 1919, as the case may be, if in force in such area, shall be deemed to be repealed therein; and

(*b*) except as the [3][Provincial Government] may otherwise, by notification in the [5][*Official Gazette*], direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Bengal Municipal Act, [4][1932], the Bengal Local Self-Government Act of 1885, or the Bengal Village Self-Government Act, 1919, as the case may be.

(*2*) The [3][Provincial Government] may issue such orders as may be necessary to give effect to the inclusion of the said area and any matters incidental or ancillary thereto.

Police.

545. (*1*) The Commissioner of Police and his subordinates shall— **Co-operation of the police.**

(*a*) co-operate with the Corporation for carrying into effect and enforcing the provisions of

[1]These words were substituted for the words "the Bengal Legislative Council" by Sch. IV to the Government of Inida (Adaptation of Indian Laws) Order, 1937.

[2]The word "have" was substituted for the word "has" as a consequential amendment in accordance with paragraph 5 (2) of the same Order.

[3]*See* footnote 1 on p. 2, *ante*.

[4]*See* footnote 1 on p. 282, *ante*.

[5]*See* footnote 2 on p. 2, *ante*.

this Act and for maintaining good order in Calcutta, and

(*b*) on the order of a Magistrate, assist the Corporation or any municipal officer or servant in carrying out any order made by a Magistrate under this Act.

(*2*) It shall be the duty of every police-officer in Calcutta—

(*i*) to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or by-law made thereunder, and

(*ii*) to assist any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Corporation or in such municipal officer or servant under this Act or under any such rule or by-law.

(*3*) On the recommendation of the Corporation, any officer or servant of the Corporation, when empowered in that behalf by a general or special order of the Commissioner of Police, may exercise the powers of a police-officer for such of the purposes of this Act as may be specified in such order.

Power to police to arrest offenders.

546. (*1*) It shall be the duty of every police-officer to arrest any person who commits, in his view, any offence against this Act or against any rule or by-law made thereunder, if the name and address of such person be unknown to him, and if such person, on demand declines to give his name and address or gives a name or address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time (not exceeding at the most twenty-four hours from the arrest) than is necessary for bringing him before a Magistrate.

(*3*) On the written application of the Executive Officer, the Deputy Executive Officer, the Chief Engineer, the City Architect or the Health Officer, any police-officer above the rank of constable shall arrest any person who obstructs any municipal officer or servant in the exercise of any of the powers, conferred by this Act or by any rule or by-law made thereunder.

(Part X.—Chapter XXXVIII.—Supplemental provisions.—Sections 547—550.)

Special provisions as to land and buildings in Hastings.

Control by General Officer Commanding the Presidency District over Crown land and buildings.

547. Notwithstanding anything contained in this Act, all land and buildings belonging to the [1][Crown] in that part of Hastings which is included in Calcutta shall be subject to the control of the General Officer Commanding the Presidency District:

Provided that this section shall in no way derogate from the powers vested in the Corporation under Chapters XVII and XVIII and any other provision of this Act enabling them in the interests of the public health to require the owner or occupier of any land or building in such part of Hastings to remedy or abate any sanitary defects on or in such land or building.

Sanction of Central Government required to erection of masonry building.

548. The Corporation shall not give or be deemed to have given permission to erect a masonry building in that part of Hastings which is included in Calcutta unless and until the sanction of the [2][Central Government] has been obtained; and such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

Demolition or alteration of buildings erected without such sanction.

549. (*1*) If the erection of any masonry new building in that part of Hastings which is included in Calcutta is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the [2][Central Government], the Executive Officer shall, if requested by the General Officer Commanding the Presidency District to do so,—

(*a*) by written notice direct the owner to demolish or alter the building, or

(*b*) himself cause the building to be demolished or altered at the expense of the owner.

(*2*) No person shall be entitled to any compensation on account of such demolition or alteration.

Provisions of sections 548 and 549 not to bar other provisions of the Act.

550. Notwithstanding anything contained in sections 548 and 549, permission to erect a masonry building in that part of Hastings which is included in Calcutta shall not be given so as to contravene, by rendering less strict, any of the provisions of this Act

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[1]This word was substituted for the word "Government" by Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]These words were substituted for the words "Government of India" by paragraph 4 (*1*) of the same Order.

regulating the construction of buildings; and the provisions of section 549 shall be in addition to, and not in derogation of, any other powers of the Corporation under this Act to take proceedings for the demolition of any masonry new building erected in such part of Hastings after the commencement of this Act.

Water-supply, sewers and gas mains.

Preparation and maintenance of map in regard to water-supply system.

551. *(1)* The Corporation shall prepare and maintain a map showing the position of water mains and other particulars of the water-supply system generally, sewers, gas mains, telephone and electric cables and such other details as may be prescribed by the [1][Provincial Government] by rules under this Act.

(2) Such map shall be open for inspection by the public, and copies thereof shall be supplied by the Corporation to the public, at such costs as may from time to time be fixed by the Corporation.

(3) Every public company which lays down underground mains and cables shall contribute towards the cost of preparation and maintenance of the said map, such proportionate amount as may be prescribed by the [1][Provincial Government] by rules under this Act.

General provisions.

Power to authority to require any one or more of a number of things to be done.

552. Where a power is expressed as being conferred on any authority to require a person to do a number of things, that authority may from time to time in its discretion require that person to do any one or more of those things.

Who to be deemed owner or occupier, where there are gradations of owners or occupiers.

553. Whenever any right is conferred or duty imposed by or under this Act, or by any rule or bylaw made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Corporation may, after due inquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound:

Provided that if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Executive Officer under section 144, sub-section *(2)*, such

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[1]*See* footnote 1 on p. 2, *ante*.

(Part X.—Chapter XXXVIII.—Supplemental provisions.—Sections 554—557.)

owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment-book.

554. Every Councillor and Alderman, every municipal officer and servant, [1][every auditor appointed under section 121], every contractor or agent for the collection of any municipal rate or other tax or fee and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Councillors, Aldermen, municipal officers, etc., to be deemed public servants.

Act XLV of 1860.

555. No person shall obstruct or molest any person (not being a person referred to in section 554) with whom the Mayor has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue, or in consequence of, this Act or any rule or by-law made thereunder.

Prohibition of obstruction of municipal contractors.

556. No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorized by this Act or by any rule or by-law made thereunder.

Prohibition of removal of mark.

Construction of references and savings.

557. (*1*) In every enactment in force at the commencement of this Act, unless a different intention appears,—

Construction of references in other enactments.

(*a*) all references to the Chairman of the Corporation of Calcutta shall be construed as references to the Executive Officer,

(*b*) all references to the Vice-Chairman of the said Corporation shall be construed as references to the Deputy Executive Officer,

(*c*) all references to the Commissioners of the said Corporation shall be construed as references to the Councillors and Aldermen referred to in section 5, and

(*d*) all references to, or to any chapter or section of the Calcutta Municipal Act, 1899, shall, so far as is possible, be construed as references to this Act or to its corresponding chapter or section.

Ben. Act III of 1899.

[1]These words and figures in square brackets were inserted by s. 13 of the Calcutta Municipal (Amendment) Act, 1933 (Ben. Act XI of 1993).

(Part X.—Chapter XXXVIII.—Supplemental provisions.—Sections 557A, 558.)

(2) The references to the General Committee in section 56, sub-section (1) and section 65, sub-sections (1), (2) and (3) of the Calcutta Improvement Act, 1911, shall be construed as references to the Corporation. Ben. Act V of 1911.

Savings of certain suits and proceedings.

[1]**557A.** (1) A suit or legal proceeding instituted, or which might but for the passing of this Act have been instituted, by the General Committee or the Chairman under the Calcutta Municipal Act, 1899, may be continued or instituted by the Corporation as constituted under this Act. Ben. Act III of 1899.

(2) For the purposes of such suit or legal proceeding and of all matters incidental thereto, the powers and duties of the General Committee and of the Chairman under the Calcutta Municipal Act, 1899, shall, from the commencement of this Act, be deemed to have vested in the Corporation and the Chief Executive Officer respectively; and when any action has been taken in accordance with the provisions of the Calcutta Municipal Act, 1899, such action shall be deemed to have been taken by the corresponding authority under this Act, and the corresponding provisions of this Act shall be deemed to have been complied with.

(3) Save as provided in sub-section (2) the procedure prescribed by this Act shall be followed in all proceedings relating to a contravention of the provisions of the Calcutta Municipal Act, 1899.

(4) Notwithstanding anything contained in this Act or in any other law, a suit or legal proceeding under this section may be instituted at any time within one year from the commencement of the Calcutta Municipal (Amendment) Act, 1926. Ben. Act V of 1926.

Vesting of the functions of General Committee in the Corporation.

[1]**557B.** Save as otherwise expressly provided in this Act, the powers and duties of the General Committee under the Calcutta Municipal Act, 1899, shall, from the commencement of this Act, be deemed to have vested in the Corporation in respect of all matters whatsoever which have arisen under the provisions of the Calcutta Municipal Act, 1899.

Savings of prior enactments.

558. Except as in this Act otherwise expressly provided, nothing in this Act shall be deemed to affect the provisions of any other enactment.

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[1]Sections 557A and 557B were inserted by s. 2 of the Calcutta Municipal (Amendment) Act, 1926 (Ben. Act V of 1926).

(Schedule I.—Calcutta.)

SCHEDULE I.

"CALCUTTA."

[*See section 3, clause (11) and sections 483 and 543.*]

"Calcutta" is the area included within the following boundaries except that it does not include:—

(*1*) Fort William[1],

(*2*) the Esplanade, or

(*3*) that part of Hastings[2] north of the south edge of Clyde Row and Strand Road to the river bank.

Boundaries.

A line drawn along the outer edge of Paramanik Ghat Road, Cossipur Road, Kasi Nath Dutt Road, Kali Charan Ghose Road and Ramkrishna Ghose Lane; thence southward along the western edge of the Eastern Bengal Railway to the point where the boundary line meets the New Canal; thence eastward along the southern bank of the New Canal to the point where it meets the Baliaghatta Canal; thence westward along the southern bank of the Baliaghatta Canal to the point where it meets Pagladanga Road; thence along the northern and eastern edge of Pagladanga Road to the point where it meets Chingrighatta Road; thence along the southern edge of Chingrighatta Road to the point where it meets Tangra Road, South; thence along the eastern and southern edge of Tangra Road, South, to the point where it meets Topsia Road, North; thence along the eastern and southern edge of Topsia Road, North, to the point where it meets Hughes Road; thence along the eastern edge of Hughes Road to the point where the Town and Suburban High Level Sewers meet; thence along the southern edge of the new road to the point where it meets Topsia Road, South; thence along the southern edge of Topsia Road, South, to the point where it meets Tiljala Masjidbari Lane;

[1]As to the Government of Fort William, *see* the Fort William Act, 1881 (XIII of 1881), Bengal Code, Vol. I.

[2]But as to land and buildings in Hastings, *see* ss. 547 to 550, *ante*.

(*Schedule I.—Calcutta.*)

thence along the eastern and southern edge of Tiljala Masjidbari Lane to the Tiljala Road, formerly known as Maulvi Ahmad Khan Bahadur's Road; thence westward along a line drawn in continuation of the southern edge of Tiljala Masjidbari Lane to the Eastern Bengal Railway line; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to Russa Road, South; thence southward along the eastern edge of Russa Road, South, to the point where it meets Tollyganj Circular Road; thence along the southern boundary of Tollyganj Circular Road to the point where it meets the southern boundary of the Port Commissioners' land acquired for the purpose of constructing King Geoge's Dock and its connected works, and thence along the southern boundary of the Port Commissioners' land above referred to, as it stands at the commencement of this Act up to the point where it meets Diamond Harbour Road; [1][thence along the eastern boundary of Diamond Harbour Road to the point where it meets the southern boundary of the Port Commissioners' land above referred to; thence along the southern, western and northern boundary of the said land up to the point where it meets the Circular Garden Reach Road at its junction with New Taratala Diversion Road; thence eastward along the northern edge of Circular Garden Reach Road to the point where it meets the Port Commissioners' land above referred to; thence northward along the western boundary of this land to the point where it meets Garden Reach Road; thence westward along the northern edge of Garden Reach Road to the point where it meets Prince Delwarjah Lane; thence northward along the eastern edge of Prince Delwarjah Lane and the western boundary of the Port Commissioners' land above referred to to the point where it meets the river Hooghly]; thence along the River Hooghly to the western terminus of the outer edge of the Paramanik Ghat Road.

[1]These words in square brackets were substituted for the original words by item No. 6. of the Schedule to the Garden Reach Municipality Act, of 1932 (Ben. Act III of 1932).

SCHEDULE II.

Corrupt practices.

[See sections 3(17), 22(3), 46 and 47.]

The following shall be deemed to be corrupt practices for the purposes of this Act:—

Part I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing— Bribery.

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by this Act.

2. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate, or his agent or of any other person with the connivance of the candidate or his agent by any of the means hereafter specified with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector. Undue influence.

(2) The means above alluded to are—

(a) any violence, injury, restraint, or fraud and any threat thereof;

(*Schedule II.—Corrupt practices.*)

(*b*) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Publication of false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Part II.

Acts under Part I.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Receipt of gratification.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(*a*) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(*b*) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

(Schedule II.—Corrupt practices.)

4. Any payment or promise of payment to any person on account of the conveyance of any elector to or from any place for the purpose of recording his vote: **Payment for conveyance.**

Provided that nothing contained in these rules shall prevent a conveyance being hired by an elector, or by several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

5. The incurring or authorization of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorized in writing so to do by the candidate. **Incurring expense without authority.**

6. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public. **Hiring of liquor shops.**

7. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof. **Issue of circulars, etc., without printer's and publisher's name printed thereon.**

(Schedule III.—List of Constituencies.)

"SCHEDULE III.[1]

LIST OF CONSTITUENCIES.

(See sections 8, 20 and 23.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.	Number of seats included in column 3 reserved for members of the scheduled castes.
1	2	3	4
A.—General Constituencies.			
Shampukur ..	Ward No. 1 ..	Two.	
Kumartuli ..	Ward No. 2 ..	One.	
Bartola ..	Ward No. 3 ..	Two ..	One.
Sukeas Street ..	Ward No. 4 ..	Two.	
Jorabagan ..	Ward No. 5 ..	Two.	
Jorasanko ..	Ward No. 6 ..	Two.	
Bara Bazar ..	Ward No. 7 ..	Three.	
Colootola ..	Ward No. 8 ..	Two.	
Muchipara ..	Ward No. 9 ..	Two.	
Bow Bazar ..	Ward No. 10 ..	One.	
Puddapukur ..	Ward No. 11 ..	One.	
Waterloo Street	Ward No. 12 ..	One.	
Fenwick Bazar ..	Ward No. 13 ..	One.	
Taltola ..	Ward No. 14 ..	One.	
Kalinga ..	Ward No. 15 ..	One.	
Park Street ..	Ward No. 16 ..	One.	
Bamun Bustee ..	Ward No. 17 ..	One.	
Tangra ..	Ward No. 18 ..	Two ..	One.
Entally ..	Ward No. 19 ..	Two ..	One.
Beniapukur ..	Ward No. 20 ..	One.	
Ballygunge ..	Ward No. 21 ..	One.	
Bhowanipur ..	Ward No. 22 ..	Two.	
Kalighat ..	Ward No. 23 ..	One.	
Alipur ..	Ward No. 24 ..	One.	
Ekbalpur ..	Ward No. 25 ..	One.	
Watganj and Hastings.	Ward No. 26 ..	One..	
Tollyganj ..	Ward No. 27 ..	One.	
Beliaghatta ..	Ward No. 28 ..	Two ..	One.
Manicktala ..	Ward No. 29 ..	One.	
Belgachia ..	Ward No. 30 ..	Two.	
Satpukur ..	Ward No. 31 ..	Two.	
Cossipur ..	Ward No. 32 ..	One.	

[1]The Schedule was substituted for the original Schedule by s. 11 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

(Schedule III.—List of Constituencies.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
1	2	3
B.—Muhammadan Constituencies.		
Shampukur ..	Ward No. 1	
Kumartuli ..	Ward No. 2	One.
Bartola ..	Ward No. 3	
Jorabagan ..	Ward No. 5 ..	
Sukeas Street ..	Ward No. 4	
Jorasanko ..	Ward No. 6 ..	One.
Bara Bazar ..	Ward No. 7	
Colootola ..	Ward No. 8 ..	Two.
Muchipara ..	Ward No. 9 ..	Two.
Bow Bazar ..	Ward No. 10 ..	One.
Puddapukur ..	Ward No. 11	
Waterloo Street ..	Ward No. 12 ..	One.
Fenwick Bazar ..	Ward No. 13	
Taltola ..	Ward No. 14 ..	One.
Kalinga ..	Ward No. 15	
Park Street ..	Ward No. 16 ..	One.
Bamun Bustee ..	Ward No. 17	
Tangra ..	Ward No. 18 ..	One.
Entally ..	Ward No. 19	
Beniapukur ..	Ward No. 20 ..	Three.
Ballyganj ..	Ward No. 21 ..	One.
Bhowanipur ..	Ward No. 22	
Kalighat ..	Ward No. 23 ..	One.
Alipur ..	Ward No. 24	
Tollyganj ..	Ward No. 27	
Ekbalpur ..	Ward No. 25 ..	One.
Watganj and Hastings ..	Ward No. 26 ..	One.
Beliaghatta ..	Ward No. 28 ..	Two
Maniktala ..	Ward No. 29	
Belgachia ..	Ward No. 30 ..	One.
Satpukur ..	Ward No. 31	
Cossipur ..	Ward No. 32 ..	One.
C.—Anglo-Indian Constituency.		
Anglo-Indian ..	Calcutta ..	Two.

(Schedule III.—List of Constituencies.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.
1	2	3
	D.—Special Constituencies.	
Bengal Chamber of Commerce.	Non-territorial ..	Six.
Calcutta Trades Association.	Non-territorial ..	Four.
Calcutta Port Commissioners.	Non-territorial ..	Two.
	E.—Labour Constituency.	
Labour ..	Trade Unions referred to in sub-section (*4*) of section 20.	Two."

(Schedule IV.—List of Constituencies.)

SCHEDULE IV.

List of Constituencies.

Rep. by the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

(Schedule V.—Return of election expenses.)

SCHEDULE V.

(See section 34.)

RETURN OF ELECTION EXPENSES.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown:—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(*d*) the travelling expenses of persons, acting on behalf of the candidate, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(*e*) the cost whether paid or incurred of—

(*i*) printing,

(*ii*) advertising,

(*iii*) stationery,

(*iv*) postage,

(*v*) telegrams,

(*vi*) rooms hired either for public meetings or as committee-rooms, and

(*vii*) conveyances hired for taking electors to the polls;

(*Schedule V.—Return of election expenses.*)

(*f*) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.* travel by the rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in section 34 shall be as follows:—

Affidavit.

I being the appointed election agent for a candidate for election in the constituency (*or* I being a candidate for election in the constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, 's candidature / my candidature.

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(*Magistrate.*)

(*Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.*)

SCHEDULE VI.[1]

RULES AS TO LICENSES FOR THE EXERCISE OR CARRYING ON OF PROFESSIONS, TRADES AND CALLINGS.

(*See sections 20, 175, 176, 177 and 211.*)

Classes of licenses and tax on each.

1. Every license shall be granted under one or other of the classes mentioned in the second column of the following table, and there shall be paid annually for the same the fee mentioned in that behalf in the third column of that table:—

Serial No.	Classes.		Fees.
1	2		3
	Class I.		
1	Company or association or body of individuals, the paid up capital of which is equivalent to twenty lakhs of rupees or upwards,	which exercises or carries on any profession, trade or calling whatsoever.	Five hundred rupees.
	Class II.		
2	Company or association or body of individuals, the paid-up capital of which is equivalent to ten lakhs of rupees or upwards,	which exercises or carries on any profession, trade or calling whatsoever but is not included in Class I.	Two hundred and fifty rupees.
	Class III.		
3	Merchant, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier,	the rent of whose place of business is valued under Chapter X at Rs. 1,000 *per mensem* or upwards.	Two hundred rupees.
4	Taxi-cab owner, having twenty or more taxi-cabs.	..	Ditto.

[1]Sub-section (*1*) of section 483 authorises alteration of, addition to or cancellation of any part of, or of any rule contained in, any schedule to this Act except Schedule I. This Schedule VI has been amended in accordance with the notifications issued and the rules published under these powers upto the 27th August 1940.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	Class IV.		
5	Company or association or body of individuals, the paid-up capital of which is equivalent to one lakh of rupees or upwards,	which exercises or carries on any profession, trade or calling whatsoever, but is not included in Class I or Class II.	One hundred rupees.
6	Merchant, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer, or carrier,	who is not included in Class III and the rent of whose place of business is valued under Chapter X at Rs. 350 *per mensem* or upwards.	Ditto.
7	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	the rent of whose place of business is valued under Chapter X at Rs. 350 *per mensem* or upwards.	Ditto.
8	Owner or occupier of a market, *bazar* or theatre or a place of public entertainment kept up for the purpose of profit,	the rent of whose place of business is valued under Chapter X at Rs. 350 *per mensem* or upwards.	Ditto.
9	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper,	Ditto ..	Ditto.
10	Proprietor of a newspaper, periodical or journal,	Ditto ..	Ditto.
11	Hotel-keeper, boarding house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto ..	Ditto.
12	Bookmaker or turf accountant.	....	Ditto.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No. 1	Classes. 2		Fees. 3
	CLASS IV—*concld.*		
13	Keeper of a shop for the sale of any liquor or intoxicating drug.	....	One hundred rupees.
14	Taxi-cab owner, having ten or more, but less than twenty taxi-cabs.	....	Ditto.
15	Stevedores ..	....	Ditto.
	CLASS V.		
16	Company or association or body of individuals, the paid-up capital of which is less than one lakh of rupees,	which exercises or carries on any profession, trade or calling whatsoever.	Fifty rupees.
17	Consulting and practising physician, practising surgeon, licentiate of medicine or surgery, *kabiraj*, graduate of the Bengal Veterinary College, midwife, dentist, barrister, attorney, *vakil* of the High Court, advocate of the High Court, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, *shroff* or *banian*,	in respect of whose income income-tax [1][on an income of not less than Rs. 2,000] is payable.	Ditto.
18	Merchant, banker, wholesale trader, commission agent, engineer, architect, builder, contractor, auctioneer or carrier,	who is not included in Class III or Class IV.	Ditto.
19	Broker or *dalal* employed in the wholesale transfer or purchase of imports or exports , country produce, silk or other merchandise.	....	Ditto.

[1]These words and figures in square brackets were inserted by s. 2 (*a*) of the Calcutta Municipal (Second Amendment) Act, 1936 (Ben. Act XII of 1936).

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS V—*contd.*		
20	Commercial traveller	....	Fifty rupees.
21	Dealer in precious stones.	....	Ditto.
22	Broker or dealer in houses, landed property, Government securities, shares or bills of exchange.	....	Ditto.
23	Freight broker ..	....	Ditto.
24	Owner or occupier of a market, *bazar* or theatre, or a place of public entertainment kept up for the purpose of profit,	who is not included in Class IV.	Ditto.
25	Owner or occupier of a wholesale tobacco, jute or other depot.	whose place of business is valued under Chapter X at Rs. 100 *per mensem* or upwards.	Ditto.
26	Proprietor of a newspaper, periodical or journal,	who is not included in Class IV, and the rent of whose place of business is valued under Chapter X at Rs. 100 *per mensem* or upwards.	Ditto.
27	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper,	Ditto ..	Ditto.
28	Owner or occupier of a cotton, jute, hide or other screw-house or press-house,	Ditto ..	Ditto.
29	Hotel-keeper, boarding house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper,	Ditto ..	Ditto.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	Class V—*concld.*		
30	Order-supplier or house decorator,	the rent of whose place of business is valued under Chapter X at Rs. 100 *per mensem* or upwards.	Fifty rupees.
31	Taxi-cab owner, having five or more, but less, than ten taxi-cabs.	....	Ditto.
32	Owner of a steam ferry-boat or steam cargo-boat.	....	Ditto.
33	Pawnbroker or money-lender.	....	Ditto.
34	Plumber, electric-fitter or gas-fitter.	the rent of whose place of business is valued under Chapter X at Rs. 100 *per mensem* or upwards.	Ditto.
35	Pleader ..	in respect of whose income income-tax [1][on an income of not less than Rs. 2,000] is payable.	Ditto
	Class VI.		
36	Consulting and practising physician, practising surgeon, licentiate of medicine or surgery, *kabiraj*, graduate of the Bengal Veterinary College, midwife, dentist, barrister, attorney, *vakil* of the High Court, Advocate of the High Court, proctor, notary public, public accountant, average adjuster, statistical reporter, analyst, *shroff* or *banian*,	[2][by whom income-tax is not payable on an income of Rs. 2,000 or more].	Twenty-five rupees.

[1]These words and figures in square brackets were inserted by s. 2(*a*) of the Calcutta Municipal (Second Amendment) Act, 1936 (Ben. Act XII of 1936).

[2]These words and figures in square brackets were substituted for the words "by whom no income-tax is payable" by s. 2(*b*) of the same Act.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS VI—*contd.*		
37	Insurance agent, broker or canvaser.	....	Twenty-five rupees.
38	Purchaser of goods in Calcutta for transport and sale beyond the limit of Calcutta.	....	Ditto.
39	Brokers in precious stones.	....	Ditto.
40	Surveyor (including a licensed building surveyor) or professional measurer.	....	Ditto.
41	Practising apothecary, or practising veterinary surgeon.	....	Ditto.
42	Keeper of a billiard room.	....	Ditto.
43	Owner or occupier of a wholesale tobacco, jute or other depot,	who is not included in Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
44	Pleader, ..	[1][by whom income-tax is not payable on an income of Rs. 2,000 or more].	Ditto.
45	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
46	Dyer or cleaner, ..	the rent of whose place of business is valued under Chapter X at Rs 30 *per mensem* or upwards.	Ditto.

[1]These words and figures in square brackets were substituted for the words "by whom no income-tax is payable" by s. 2(*b*) of the Calcutta Municipal (Second Amendment) Act, 1936 (Ben. Act XII of 1936).

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS VI—*contd.*		
47	Owner or occupier of a cotton, jute, hide, or other screw-house or press-house,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Twenty-five rupees.
48	Hotel-keeper, boarding-house-keeper, lodging house-keeper, manufacturer, retail trader or shop-keeper,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
49	Order-supplier or house-decorator,	who is not included in Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
50	Keeper of baths, ..	the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
51	Taxi-cab owner, having less than five taxi-cabs.	....	Ditto.

(*Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)*

Serial No.	Classes.		Fees.
1	2		3
	CLASS VI—*concld.*		
52	Plumber, electric-fitter or gas-fitter,	who is not included in Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Twenty-five rupees.
53	Carriage-dealer or horse-dealer,	the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
54	Proprietor of a periodical or journal,	who is not included in Class IV or Class V, and the rent of whose place of business is valued under Chapter X at Rs. 30 *per mensem* or upwards.	Ditto.
55	Private detective ..	....	Ditto.
56	Professional astrologer	....	[1]Ditto.
57	*Poddar* or money-changer,	the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
58	Professional jockey or race-horse trainer.	....	Ditto.

[1]The word "Ditto" was inserted by s. 10 of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS VII.		
59	Broker or *dalal*, ..	who is not included in Class V.	Twelve rupees.
60	*Mukhtear* ..	....	Ditto.
61	Professional draftsman	....	Ditto.
62	Professional artist, sculptor, actor, singer or musician.	....	Ditto.
63	Fortune-teller ..	....	Ditto.
64	Keeper of a permanent stall in a daily market,	who is not included in any higher class.	Ditto.
65	Keeper of a shop within fifty yards of a daily market who is a seller of goods similar in kind to other goods sold in such market,	Ditto ..	Ditto.
66	*Poddar* or money-changer,	the rent of whose place of business is not less than Rs. 5, but not more than Rs. 15.	Ditto.
67	Medical practitioner (whether registered under the Bengal Medical Act, 1914, or otherwise), practising apothecary, *hakim*, *kabiraj*, graduate of the Bengal Veterinary College, or midwife,	who is not included in Class VI, and [1][by whom income-tax is not payable on an income of Rs. 2,000 or more].	Ditto.
68	Proprietor of a periodical or journal,	who is not included in Class IV, Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 10 *per mensem* or upwards.	Ditto.

Ben. Act VI of 1914.

[1]These words and figures in square brackets were substituted for the words "by whom no income-tax is payable" by s. 2(*b*) of the Calcutta Municipal (Second Amendment) Act, 1936 (Ben. Act XII of 1936).

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS VII—*contd.*		
69	Owner of a cargo-boat	....	Twelve rupees.
70	Professional horse-breaker.	....	Ditto.
71	Labour-supplier, licensed shipping broker, boat-supplier or custom-house agent.	....	Ditto.
72	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper,	who is not included in Class IV, Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
73	Dyer or cleaner ..	who is not included in Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
74	Hotel-keeper, boarding house-keeper, lodging house-keeper, manufacturer, retail-trader or shop-keeper,	who is not included in Class IV, Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
75	Order supplier or house decorator,	who is not included in Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

Serial No.	Classes.		Fees.
1	2		3
	CLASS VII—*concld.*		
76	Plumber, electric-fitter or gas-fitter,	who is not included in Class V or Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Twelve rupees.
77	Carriage-dealer or horse-dealer,	who is not included in Class VI, and the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
78	Owner of any carriage, passenger-boat or palanquin which is let out for hire,	the rent of whose place of business is valued under Chapter X at Rs. 15 *per mensem* or upwards.	Ditto.
79	Band-supplier or stamp-vendor,	Ditto ..	Ditto.
	CLASS VIII.		
80	Keeper of a shop or other place of business,	who is not included in any other class.	Four rupees.
81	Pedlar, vendor of goods in carts, hawker or *box-wallah*,	who is not included in Class IX.	Ditto.
82	Professional petition, letter or bill writer.	....	Ditto.
	CLASS IX.		
83	Itinerant dealer, hawking goods for sale in a basket or tray.	....	One rupee.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 2—5.)

2. (*1*) Licenses shall be either personal or local. **Licenses to be either personal or local.**

(*2*) "Personal license" means a license which is not a local license, and includes a license granted to a company or association or body of individuals.

(*3*) "Local license" means—

(*a*) a license the classification of which depends on the valuation of the place of business, and

(*b*) a license granted under Class IV, number 13, or Class V, number 32, or number 33, or Class VI, number 42, or number 43, or Class VII, number 64, or number 69, or Class VIII, number 80, in the table in rule 1.

3. When any person carries on two or more professions, trades or callings which are separate or independent of one another and for each of which a personal license is required, he shall be liable to take out a personal license for each such profession, trade or calling: **Personal license required for each separate profession, trade or calling.**

Provided that, if, in the opinion of the Executive Officer, any such profession, trade or calling is auxiliary to the carrying on of one or more of such other professions, trades or callings, such person shall only be required to take out a license under the highest of the two or more classes in the table in rule 1 under which his liability accrues.

4. When two or more persons carry on business jointly, they may take out a single license as a firm: **Personal license of members of firms.**

Provided that, if any of the partners of such firm exercises or carries on any separate profession, trade or calling on his own account or jointly with other partners, a separate license shall be taken out in respect of every such profession, trade or calling.

5. A separate local license shall be taken out in respect of the business carried on in each separate place of business: **Local license required for each business.**

Provided that—

(*a*) separate licenses shall not be required in respect of any business carried on in adjacent premises which form one place of business or in any yards, godowns or factories which are auxiliary to any place of business; and

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 6—10.)

(b) the amount of the valuation of such premises, yards, godowns or factories shall be included in the computation for determining the class under which the license shall be taken out.

Valuation of places of business not separately valued under Chapter X.

6. When a place of business occupies only a portion of one set of premises and has not been separately valued under Chapter X, the valuation thereof for the purposes of these rules shall be the rate *per mensem* at which such place of business might, in the opinion of the Executive Officer, reasonably be expected to let.

When both personal and local license required.

7. When any person exercises or carries on a profession, trade or calling for which a personal license should under these rules be taken out, and is also the owner or occupier of a place of business for which a local license should be taken out, he shall, if the Corporation so direct, take out both a personal license and a local license:

Provided that, where the place of business is auxiliary to the exercise or carrying on of the profession, trade or calling, only one license shall be required, and such license shall be either personal or local as the Corporation may direct.

Occupier ordinarily to be licensee.

8. Where the owner or occupier of any place of business is required to take out a license, the license shall be taken out by the occupier if the business is carried on by the occupier, but otherwise by the owner.

Annual list of licensees.

9. (1) As soon as may be after the first day of April in every year, the Executive Officer shall prepare a list of the companies, associations, bodies and persons licensed for the next preceding year.

(2) Such list shall contain the particulars specified in section 498, sub-section (1), and shall be kept at the municipal office and be open to public inspection at all reasonable times.

Continuance of liability in same class.

10. Any person who has taken out a license for the next preceding year, or has been fined under section 492 for not taking out a license during that year, shall, subject to the other provisions of these rules, be presumed, unless he proves to the contrary, to be liable and entitled to take out a license for the current year under the class in which he was included for such preceding year.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 11, 12.)

11. (*1*) Any person who claims a remission or refund of a license fee under proviso (*a*) to section 175, in respect of any year, shall present an application to the Corporation before the first day of September in the next following year.

Time for presentation of application for remission, etc.

(*2*) Any person who—

(*i*) has taken out a license for the next preceding year or has been fined under section 492 for not taking out a license during that year, and,

(*ii*) in consequence of any change in his profession, trade, calling or place of business, or for any other reason, claims an exemption or declaration under proviso (*b*) or proviso (*c*) to section 175,

shall present an application to the Corporation before the first day of September in the current year.

12. (*1*) If the Executive Officer considers—

Power to Executive Officer to issue notices to take out licenses, etc.

(*a*) that any person who has not taken out a license in the next preceding year ought to take out a license, or

(*b*) that any person who has taken out a license for such year, but has not done so for the current year, ought to take out a license under a higher class, or to take out more than one license,

he may serve such person with a notice directing him to take out a license or licenses for the next preceding year or the current year, as the case may be, under such class or classes as may to the Executive Officer seem proper.

(*2*) If the Executive Officer considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him forthwith to take out a license under such higher class for that year:

Provided that when such license under a higher class has been taken out, the amount paid in respect of the license in the lower class shall, unless such person is liable to take out both licenses, be refunded to him.

(Schedule VI.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 13—17.)

Executive Officer to prove liability, when service of notice not proved.

13. When any person is summoned for not taking out a license, and service of notice under rule 12, sub-rule *(1)*, is not proved, it shall be incumbent on the Executive Officer to prove that the person so summoned is liable to take out a license, and to state the class under which he is so liable.

Appeal to Bench or to Court of Small Causes.

14. Any person dissatisfied with an order made under this schedule may appeal either—

(*a*) to a Bench consisting of not less than three Councillors or Aldermen to be elected by the Corporation; or

(*b*) to a Court of Small Causes having jurisdiction in the place in which the profession, trade or calling is alleged to be exercised or carried on:

Provided that no appeal shall lie under this rule unless the amount payable for the license, as assessed in accordance with the said notice, has been deposited with the Corporation:

Provided also that where an assessee has taken out a license for the next preceding year, the sum to be deposited under the first proviso to this rule shall not exceed the amount which he paid in such year.

Statement by appellant.

15. Any person who is desirous of appealing under rule 14 shall, within thirty days of the passing of the order or the service of the notice, referred to in that rule, submit to the Secretary to the Corporation a petition setting forth the grounds of appeal,

and the petitioner shall intimate whether he intends to appeal to the Bench under clause (*a*), or to a Court of Small Causes under clause (*b*), of rule 14:

Provided that no appeal shall be made to a Court of Small Causes under rule 14 until the expiration of a period of one month from the submission of a petition under this rule.

Procedure of Court in appeal.

16. When an appeal is made under these rules to a Court of Small Causes, the Court may follow the procedure prescribed in section 528, and the order of the said Court shall be final.

Finality of order of Corporation or Executive Officer when to appeal.

17. When no appeal is preferred under these rules, the order of the Corporation or the Executive Officer, as the case may be, shall be final.

(*Schedule VII.—Wards for purposes of valuation.*)

SCHEDULE VII.

WARDS FOR PURPOSES OF VALUATION.

(*See section 131.*)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
1	Shampukur	The Circular Canal	Ultadingi Road and Grey Street.	The Circular Canal and Upper Circular Road.	Upper Chitpur Road and the Chitpur Bridge Approach.
2	Kumartuli ..	The River Hooghly.	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Upper Chitpur Road and the Chitpur Bridge Approach.	The River Hooghly.
3	Bartola ..	Grey Street and Ultadingi Road.	Beadon Street and Maniktola Road.	The Circular Canal.	Upper Chitpur Road and Upper Circular Road.
4	Sukeas Street	Beadon Street and Maniktola Road.	Machua Bazar Street and Gas Street.	The Circular Canal and Upper Circular Road.	Cornwallis Street.
5	Jorabagan ..	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Cotton Street and Mirbahar Ghat Street.	Upper Chitpur Road.	The River Hooghly.
6	Jorasanko ..	Beadon Street ..	Machua Bazar Street.	Cornwallis Street.	Upper Chitpur Road.
7	Bara Bazar	Mirbahar Ghat Street and Cotton Street.	Lal Bazar Street, Dalhousie Square, North, Fairlie Place and a line drawn in continuation of Fairlie Place to the river bank.	Lower Chitpur Road.	The River Hooghly.
8	Colootola ..	Machua Bazar Street.	Bow Bazar Street	College Street	Lower Chitpur Road.

(*Schedule VII.—Wards for purposes of valuation.*)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
9	Muchipara	Machua Bazar Street and Gas Street.	Bow Bazar Street and Baliaghata Road including the new diversion.	The Circular Canal.	College Street.
10	Bow Bazar	Bow Bazar Street	Dharamtala Street	Wellington Street.	Bentinck Street.
11	Paddapukur	Ditto ..	Ditto ..	Lower Circular Road.	Wellington Street.
12	Waterloo Street.	Lal Bazar Street, Dalhousie Square, North, Fairlie Place and a line drawn in continuation of Fairlie Place to the river bank.	Esplanade, East, Lawrence Road, and Esplanade, West.	Bentinck Stree	The River Hooghly.
13	Fenwick Bazar.	Dharamtala Street	Kyd Street and Ripon Street.	Wellesley Street	Chowringhee Road and part of Free School Street.
14	Taltala ..	Ditto ..	Ripon Street ..	Lower Circular Road.	Wellesley Street.
15	Kalinga	Ripon Street ..	Theatre Road ..	Ditto ..	Wellesley Street and Wood Street.
16	Park Street	Kyd Street and Ripon Street.	Ditto ..	Wood Street and Wellesley Street.	Chowringhee Road.
17	Bamun Bustee.	Theatre Road	Lower Circular Road.	Lower Circular Road.	Ditto.

(Schedule VII.—Wards for purposes of valuation.)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward—			
		On the north.	On the south.	On the east.	On the west.
1.	2	3	4	5	6
18	Tangra ..	Baliaghata Canal and Pagladanga Road.	Tiljala Road and Topsia Road, South.	Pagladanga Road, Chingrihata Road, Tangra Road, South, Topsia Road, North, Hughes Road, and the new road connecting Hughes Road and Topsia Road, South, where the town and Suburban High Level Sewers meet.	Kakurgachi Chord and the Eastern Bengal Railway.
19	Entally ..	Baliaghata Road, including the new diversion and the Circular and Baliaghata Canal.	Beniapukur Road, Phulbagan Road, South Road and Christopher Road.	Kakurgachi Chord and the Eastern Bengal Railway.	Lower Circular Road.
20	Beniapukur	Beniapukur Road, Phulbagan Road, South Road and Christopher Road.	The Calcutta Improvement Trust new 100 feet road running from Beckbagan Lane and Lower Circular Road corner and meeting the Park Circus, the new 100 feet Calcutta Improvement Trust Road from the Park Circus meeting Darga Road and in its continuation, the new 60 feet Calcutta Improvement Trust Road to the Eastern Bengal Railway.	Ditto ..	Ditto.

(Schedule VII.—Wards for purposes of valuation.)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward— On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
21	Ballyganj ..	Lower Circular Road, the Calcutta Improvement Trust new 100 feet road running from Beckbagan Lane and Lower Circular Road corner and meeting the Park Circus, the new 100 feet Calcutta Improvement Trust Road from the Park Circus meeting Darga Road and, in its continuation, the new 60 feet Calcutta Improvement Trust Road from Darga Road to the Eastern Bengal Railway, thence along Tiljala Road to the point where it meets Topsia Road, South.	Hazra Road, Bondel Road, and a line drawn straight from the Eastern Bengal Railway to the southern edge of Tiljala Masjidbari Lane, and the southern edge of Tiljala Masjidbari Lane.	Topsia Road, South, Tijlala Masjidbari Lane and the Eastern Bengal Railway Line.	Lansdowne Road.
22	Bhowanipur	Lower Circular Road.	[1][A line drawn from Balaram Bose's Ghat eastward along Balaram Bose's Ghat Road up to its junction with Kalighat Road; thence along a portion of Kalighat Road up to its junction with Russa Road; thence southward along Russa Road up to its junction with Hazra Road; thence eastward along Hazra Road up to its junction with Lansdowne Road.]	Lansdowne Road.[2]	Tolly's Nullah and Zeerut Bridge Approach.

[1]These words in square brackets were substituted for the words "Hazra Road, Nepal Bhattacherj Street to Tolly's Nullah" by s. 4(1)(a) of the Calcutta Municipal (Amendment) Act, 1932 (Ben. Act XVI of 1932).

[2]The words "and Russa Road South" were omitted by s. 4(1)(b) of the same Act.

(Schedule VII.—Wards for purposes of valuation.)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
[1][23]	[2][Kalighat ..	Balaram Bose's Ghat Road and a portion of Kalighat Road.	Nepal Bhattacharyya Street, a part of Sadananda Road and Rash Behari Avenue.	Russa Road ..	Tolly's Nullah.]
[3][24]	Alipur ..	Tolly's Nullah ..	Tollyganj Circular Road and the southern boundary of the land acquired by the Port Commissioners for the Dock extension as existing at the time of the commencement of the Act up to the point where it meets Diamond Harbour Road.	Tolly's Nullah	Diamond Harbour Road and Kidderpore Bridge Approach.
[3][25]	Ekbalpur ..	Circular Garden Reach Road.	Shahapur Road, Goragacha Road and Taratala Road.	Diamond Harbour Road.	Hide Road.
[3][26]	Watganj and Hastings.	Clyde Road, Strand Road and a line drawn in continuation of the south side of Strand Road to the river and the River Hooghly.	Circular Garden Reach Road and the southern edge of the line of old Taratala Road.	St. George's Gate Road, the Kidderpore Bridge Approach and Hide Road.	[4][The eastern boundary of the Garden Reach Municipality.]
[5]*	*	*	*	*	*

[1]The figure 23 was substituted for the figure 22A by s. 12 of the Calcutta Municipal (Amendment) Act, 1939 (Ben. Act XI of 1939).

[2]These entries relating to Kalighat were inserted by s. 4 (2) of the Calcutta Municipal (Amendment) Act, 1932 (Ben. Act XVI of 1932).

[3]The serial numbers 24, 25 and 26 were substituted for the serial numbers 23, 24 and 25 respectively, *ibid.*

[4]These words in square brackets were substituted for the original words by item No. 9 (*i*) of the Sch. to the Garden Reach Municipality Act, 1932 (Ben. Act III of 1932).

[5]The entries relating to Ward No. 26 (Garden Reach) were omitted by item No. 9 (*ii*) of the Schedule to the same Act.

(Schedule VII.—Wards for purposes of valuation.)

Serial No. of Ward.	Name of Ward.	Boundaries of Ward—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
27	Tollyganj ..	Bondel Road, Hazra Road, Nepal Bhattacherjee Street to Tolly's Nullah.	Tollyganj Circular Road and the Eastern Bengal Railway, Budge Budge Branch.	Russa Road, South, and the Eastern Bengal Railway line.	Russa Road, South, and Tolly's Nullah.
28	Baliaghata	Narikeldanga Main Road.	Baliaghata Canal	New Canal ..	Circular Canal.
29	Maniktola ..	New Canal ..	Narikeldanga Main Road.	Ditto ..	Ditto.
30	Belgachia ..	Paikpara Road and Belgachia Road.	The Circular Canal and the New Canal.	Eastern Bengal Railway.	Barrackpore Trunk Road.
31	Satpukur ..	Kali Charan Ghose Road and Ram Krishna Ghose Lane.	Paikpara Road and Belgachia Road.	Ditto ..	Ditto.
32	Cossipur ..	Pramanick Ghat Road, Cossipur Road and Kasinath Dutt Road.	Circular Canal ..	Barrackpore Trunk Road.	The River Hooghly.

(Schedule VIII.—Tax on carriages and animals.)

SCHEDULE VIII.

TAX ON CARRIAGES AND ANIMALS.

(See section 165.)

		Per half year Rs. a. p.
[1]1.	On every four-wheeled carriage (not being a hackney-carriage) drawn by two horses	12 0 0
2.	On every four-wheeled hackney-carriage drawn by two horses	8 0 0
3.	Where any person owns more than one carriage included in class 1, then on every such carriage after the first	8 0 0
4.	Where any person owns more than one carriage included in class 2, then on every such carriage after the first	6 0 0
5.	On every four-wheeled carriage (not being a hackney-carriage) drawn by one horse, pony or mule, or a pair of ponies or mules under 13 hands.. ..	6 0 0
6.	On every four-wheeled hackney-carriage of the description mentioned in class 5	4 0 0
7.	On every two-wheeled carriage drawn by one or more animals	6 0 0
8.	On every *jinrickshaw*	2 0 0
9.	On every horse (not being a race or hackney-carriage horse)	6 0 0
10.	On every race horse	24 0 0
11.	On every hackney-carriage horse	4 0 0
12.	On every pony or mule of or over 13 hands—	
	(*a*) not used in a hackney-carriage	6 0 0
	(*b*) used in a hackney-carriage	4 0 0
13.	On every pony or mule under 13 hands	2 0 0

[1]These items 1 to 13 were substituted by the Government of Bengal, Public Health and Local Self-Government Department Notification No. 1082M., dated the 27th August, 1940.

SCHEDULE IX.

SCAVENGING-TAX.

(See section 179.)

Part I.—Persons by whom the tax is payable.

Hackney-carriage owner.
Carter.
Milk seller.
Horse-dealer.
Donkey owner.
Swineherd.
Shepherd.
Goatherd.
Owner or occupier of a market.

[1]Prat II.—Rates of fee for licenses.

		Per half year. Rs.	a.	p.
1.	For every horse—			
	(*i*) not used in a hackney-carriage	6	0	0
	(*ii*) used in a hackney-carriage	4	0	0
2.	For every pony or mule of or over 13 hands—			
	(*i*) not used in a hackney-carriage	6	0	0
	(*ii*) used in a hackney-carriage	4	0	0
3.	For every pony or mule under 13 hands—			
	(*i*) not used in a hackney-carriage	3	0	0
	(*ii*) used in a hackney-carriage	2	0	0
4.	For every bull or buffalo used for drawing a cart	1	8	0
5.	For every cow or buffalo kept by a milk-seller ..	0	12	0
6.	For every donkey or swine	0	12	0
7.	For every ten sheep or goats	3	0	0
8.	For every twelve cubic feet of offensive matter and rubbish, or part thereof, removed on an average daily from a market	30	0	0

[1]This Part II of Schedule IX was substituted by the Government of Bengal, Public Health and Local Self-Government Department Notification No. 1082M., dated the 27th August, 1940.

(*Schedule X.—Form of notice of demand.)*

SCHEDULE X.

FORM OF NOTICE OF DEMAND.

[*See sections 190(1) and 206(1).*]

To

A. B.

residing at

Take notice that the Corporation of Calcutta demand from you (*as owner or occupier) the sum of due from you on account of the consolidated rate (*or* tax *as the case may be*) for (*here describe the premises on account of which the rate is leviable or the carriage, animal, profession, trade or calling on account of which the tax is payable*) for the quarter (*or* half-year, *or* year) commencing (*or* ending) on the day of ; and that if the said sum is not paid into the municipal office at or to an officer appointed to receive the same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Chief Executive Officer within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this day of

(Signed.)

Executive Officer, Calcutta Corporation.

*In the case of a demand on the occupier of any premises under section 199, state that notice of demand has been served upon the owner and that the sum due remains unpaid.

(Schedule XI.—Form of warrant of distress.)

SCHEDULE XI.

FORM OF WARRANT OF DISTRESS.

[*See sections 191(1), 198(1) and 210(1).*]

To (*here insert the name of the officer charged with the execution of the warrant*).

Whereas A. B. of , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the consolidated rate (*or* tax, *as the case may be*) for the quarter (*or* half-year *or* year) commencing (*or* ending) on the day of , although the said sum has been duly demanded in writing from the said A. B., and seven days have elapsed since the service of the notice of demand;

[*or* Whereas the proceeds of the sale of the movable property of A. B., of , distrained under a warrant dated , and sold under section 197, are not sufficient to cover the sum distrained for;

And whereas the sum of is still due from the said A. B.;]

[And whereas the said sum has been increased under section 208 (*or* section 209, *as the case may be*), to ;]

This is to direct you to distrain the movable property of the said A. B. (*or, as the case may be,* any movable property found on the premises in respect of which the said rate is due) to the amount of the said sum of and such further sum as may be sufficient to defray the costs of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said movable property; and having paid and deducted out of the proceeds of the sale the said sum of and the costs of recovering the same, to return the surplus (if any) and if the same be demanded within three years from the date of the sale, to the person whom you shall find in possession of the said movable property.

If sufficient distress cannot be found of the movable property of the said A. B. (*or* on the said premises, *as the case may be*), you are to certify the same to me together with this warrant.

Dated this *day of*

(Signed.)

Executive Officer, Calcutta Corporation.

(Schedule XII.—Table of fees payable on warrants of distress.)

SCHEDULE XII.

TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

[See section 191(3).]

Sum distrained for.	Fee. Rs.	a.
Under 5 rupees	0	4
Rupees 5 and under Rs. 10	0	8
" 10 " " 15	0	12
" 15 " " 2	1	0
" 20 " " 25	1	4
" 25 " " 30	1	8
" 30 " " 35	1	12
" 35 " " 40	2	0
" 40 " " 45	2	4
" 45 " " 50	2	8
" 50 " " 60	3	0
" 60 " " 80	3	12
" 80 " " 100	4	8
Above 100 rupees	5	0

The above fees are to include all expenses except when peons are kept in charge of property distrained in which case eight annas shall be paid daily for each peon so employed.

SCHEDULE XIII.

FORM OF NOTICE OF SALE.

(*See section 194.*)

To

A. B.

residing at

Take notice that I have this day seized the movable property specified in the inventory set out below for the sum of due for the consolidated rate (*or* tax, *as the case may be*) for the quarter (*or* half-year *or* year) commencing (*or* ending) on the day of ; and that, unless you pay into the municipal office at the amount due, together with the costs of recovery, within seven days from the date of this notice, the said property will be sold.

Dated this day of

(*Signature of the Officer executing the Warrant of Distress.*)

Inventory.

(*Here state particulars of the movable property seized.*)

SCHEDULE XIV.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES AND METERS.

(See sections 232, 240 and 488.)

Private connections to premises.

Separate service-pipes for separate premises.

1. (*1*) All premises connected with the filtered water-supply shall be provided with separate service-pipes from the municipal main.

(*2*) In any case in which a service-pipe from a main is used for supplying filtered water to two or more premises, the Corporation may, by written notice, require the owners of such premises to lay down separate service-pipes for separate premises; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the Corporation.

(*3*) The Corporation shall not delegate to any municipal officer their power to make a requisition by written notice under sub-rule (*2*).

Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.

2. (*1*) In premises connected with the municipal water-supply, separate stop-cocks shall be provided by the owner for controlling the supply of unfiltered water for the purposes mentioned in clause (*i*) and clause (*ii*), respectively, of sub-section (*2*) of section 221.

(*2*) When unfiltered water is supplied for any of the purposes mentioned in clause (*ii*) of sub-section (*2*) of section 221, it shall be so supplied as to be capable of being drawn only from hydrants or taps fixed below the surface of the ground.

Outer-stop-cocks.

3. When any premises are about to be connected with the municipal mains, the Corporation may, by written notice, require the owner of the premises to fix a stop-cock in some position outside the premises which is accessible at all times from the nearest street.

Size of ferrules.

4. (*1*) Filtered or unfiltered water supplied under Chapter XVII to any premises shall be supplied according to the annual value of such premises, as determined

(Schedule XIV.—Rules as to private connections to premises and meters.—Rule 5.)

under Chapter X, through a ferrule of the size prescribed therefor in the following table:—

Annual value of premises as determined under Chapter X.		Size of ferrule. Filtered water.	Size of ferrule. Unfiltered water.
From 1 to 599	rupees (both inclusive)	$\frac{1}{4}$ inch	$\frac{1}{2}$ inch.
„ 600 to 1,199	„ „	$\frac{3}{8}$ „	$\frac{1}{2}$ „
„ 1,200 to 2,399	„ „	$\frac{7}{16}$ „	$\frac{1}{2}$ „
„ 2,400 to 3,599	„ „	$\frac{1}{2}$ „	$\frac{1}{2}$ „
3,600 rupees or more	..	$\frac{3}{4}$ „ $\frac{7}{8}$ „ or 1 „	$\frac{3}{4}$ „ $\frac{7}{8}$ „ or 1 „

Provided as follows:—

(*a*) the [1][Provincial Government] may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said table;

(*b*) if any premises be so situated that the ferrule prescribed therefor in the said table or under proviso (*a*) is too small to pass, within a period of six hours, the daily supply of water to which the occupier of the premises is entitled under section 223, the Corporation shall permit the use of a larger ferrule for such premises.

(*2*) Where a ferrule used at the commencement of this Act for the supply of water to any premises is larger than that prescribed for such premises in sub-rule (*1*) or under proviso (*a*) to that sub-rule, as the case may be, the Corporation may, at the expense of the municipal fund and after giving one month's notice in writing to the owner of the premises, substitute for such ferrule one of the size so prescribed.

Construction of service-pipes, ferrules and works.

5. (*1*) The service-pipe for carrying water from the municipal mains into any premises, and the pipes, taps and works (other than ferrules) within such premises, shall be of such character, dimensions and materials as the Corporation may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

(*2*) The said ferrules shall be of such character and material as the Corporation may fix and approve, and except as provided in rule 4, sub-rule (*2*), shall be affixed at the expense of the occupier of the premises.

(*3*) The said service-pipe, and all fittings thereon for carrying water from the municipal mains into any

[1]*See* footnote 1 on p. 2, *ante*.

premises, and all ferrules, pipes, taps, works and fittings inside the premises, shall in all cases be executed subject to the inspection of the Corporation and to their satisfaction;

and the connection of premises with the municipal mains, and the laying of supply-pipes under any public street or thoroughfare, shall be executed in the presence of a municipal officer authorized in that behalf, and in no other way.

(4) Such service-pipe, fittings, ferrules, pipes, taps and works may be made by the servants and workmen of the Corporation upon such terms as may be agreed upon between the Corporation and the person requiring the water-supply, or subject to such charges as may be fixed by them;

and, when they are to be so made, the Corporation may require the cost thereof to be paid or deposited before the work is executed.

6. The Corporation may inspect any premises supplied with water under Chapter XVII in order to examine all pipes, taps, works and fittings connected with the supply of water, and to ascertain whether there is any waste or misuse of such water. Power to corporation to inspect premises.

7. (1) If any pipes, taps, works or fittings connected with the supply of filtered or unfiltered water in any premises be found, on examination by the Corporation, to be defective, they may, by written notice, require the owner or occupier of the premises— Replacing or alteration of fittings for supplying water.

(a) to replace such fittings, or

(b) to make such alterations therein as may be specified in the notice:

Provided that where any ferrule is obstructed owing to silt or other matter being deposited therein, the Corporation shall themselves cleanse such ferrule and replace it in proper order:

[1]Provided also that if the defect is such as in the opinion of the Executive Officer causes or is reasonably suspected to cause contamination in the supply of filtered water, the Corporation may forthwith and without notice carry out such work as may be necessary to remove the defect, and all expenses incurred by the Corporation in so doing shall, in their discretion, be recovered from the owner or occupier of the premises.

(2) If any notice issued under sub-rule (1) is not complied with within forty-eight hours, the Corporation

[1]This second proviso to rule 7(1) was added by the Government of Bengal, Public Health and Local Self-Government Department Notification No. 1158M., dated the 1st August, 1939.

(Schedule XIV.—Rules as to private connections to premises and meters.—Rules 8—10.)

may forthwith carry out the work, and the cost thereof shall be payable by the person to whom the notice was issued.

Inspection of works, etc., by qualified officer before permitting connection with mains.

8. (*1*) Before a connection for the supply of water from the municipal mains to any premises is sanctioned by the Corporation, they shall cause all the works, pipes, taps and fittings within such premises to be inspected by a duly qualified officer.

(*2*) Until the Corporation have certified that the said works, pipes, taps and fittings have been executed and put up in a satisfactory manner, no connection with the municipal mains shall be made.

Meters.

Testing of meter.

9. (*1*) If the owner or occupier of any premises to the service-pipe of which a meter is attached desires to have the meter tested, he may send a written application to the Corporation, and such application shall be accompanied by a fee of five rupees.

(*2*) Upon receipt of any such application and fee, the Corporation shall forthwith cause such meter to be tested, at a time and place to be specified in a notice to be served upon such owner or occupier.

(*3*) If such meter is found, upon being so tested, to register more than two *per cent.* in excess of the correct quantity, the said fee shall be returned to the person who sent it.

Payment by occupier in case of incorrectness of meter.

10. If a meter which has been tested under rule 9 does not register more than two *per cent.* in excess of the correct quantity, the amount payable under section 238 shall be calculated according to the quantity indicated by the meter; but if the meter registers more than two *per cent.* in excess of the correct quantity, the quantity indicated shall for the purpose of calculating the amount payable under section 238, be reduced by double the percentage of the excess registered:—

Provided that—

(*a*) if such excess is more than ten *per cent.*, no charge shall be made under section 238; and

(*b*) no reduction shall be allowed in calculating the charge for excess under section 238, on account of the incorrectness of the meter, except on the amount payable for the quarter in which the application referred to in rule 9, sub-rule (*1*), is received.

(Schedule XIV.—Rules as to private connections to premises and meters.—Rules 11—13.)

11. When any meter attached to the service-pipe of any premises is out of order or under repair, the Corporation shall forthwith replace it by another meter. **Replacing of meter.**

12. No person shall fraudulently— **Prohibition of fraud in respect of meter.**

(*a*) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

13. No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter. **Prohibition of injuring meter or fittings.**

SCHEDULE XV.

RULES AS TO DRAINS, PRIVIES AND URINALS.

[*See sections 266, 273, 274, 277, 278, 282, 284, 285, 286, 287, 364(6) and (7) and 488.*]

Drains.

Plans of house-drains to be submitted to Corporation.

1. (*1*) Every person who intends to construct a house-drain, or to make any substantial additions to, or alterations in, a house-drain, shall send to the Corporation an application in such form (to be supplied free of charge) as may be prescribed by the Corporation, and shall state therein the name and address of the licensed plumber who will execute the work and the purposes for which the drain is to be used.

(*2*) Such application shall be accompanied by a plan, in triplicate unless the Corporation otherwise direct, drawn to a scale of eight feet to the inch (or such smaller scale as the Corporation may consider sufficient), and showing—

(*a*) the premises to be drained and the boundaries thereof,

(*b*) the position of all existing filtered water pipes within the premises,

(*c*) the alignment, gradient and size of the proposed house-drain and its appurtenances,

(*d*) any existing drains and their appurtenances, and

(*e*) any other particulars which may be prescribed by the Corporation.

Material and joints.

2. Every underground house-drain constructed after the commencement of this Act shall consist of good sound pipes made of glazed stoneware or other suitable material, and shall have water-tight joints made of Portland cement or any other cement approved by the Executive Officer.

Size.

3. Every such house-drain shall be of adequate size, with an internal diameter of not less than—

(*a*) six inches between the master-trap and the sewer, and

(*b*) four inches at all other places.

(*Schedule XV.—Rules as to drains, privies and urinals. —Rules 4—8.*)

4. No such house-drain shall be so constructed as to form in any of such drains a right-angled junction, either vertical or horizontal, and every branch drain or tributary drain shall be joined to another drain obliquely, at an angle of not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain. **Angles.**

5. Every such house-drain shall be— **How to be laid.**

(*a*) laid upon a bed of good concrete of such width as may be approved by the Executive Officer, and not less than six inches thick,

(*b*) covered for half its depth with concrete not less than four inches thick, and

(*c*) so constructed as to have a proper fall.

6. Every such house-drain shall be so constructed as to prevent any inlet to the drain (other than such inlet as may be required from the apparatus of a connected-privy or urinal or a slop-sink constructed or adapted to be used for receiving sewage) being made within the premises. **Prohibition of inlet within building.**

7. (*1*) In every such house-drain a suitable trap shall be provided. **Traps.**

(*2*) Such trap shall be placed—

(*a*) within the premises, or,

(*b*) with the approval of the Corporation and on payment of such fees as may be prescribed by the Corporation, in the footpath or (if there is no footpath) in the roadway adjacent to the premises, and

(*c*) at a point as distant as may be practicable from the premises and as near as may be practicable to the point at which the drain is connected with a municipal sewer.

(*3*) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule 8 as an opening for the ventilation of the drain) shall be properly trapped.

8. The ventilation of every such house-drain shall be provided for as follows:— **Ventilation.**

(*1*) at least two untrapped openings shall be made—

(*a*) one opening shall be made at or near the level of the surface of the ground adjoining the

(Schedule XV.—Rules as to drains, privies and urinals. —Rule 8.)

opening, shall be as near as may be practicable to the trap prescribed by rule 7, sub-rule (*1*), shall be on that side of such trap which is nearer to the premises, and shall communicate with the drain by means of a suitable pipe, shaft or disconnecting chamber;

(*b*) the second opening shall be made by carrying up, from a point in the drain as far distant as may be practicable from the point at which the opening mentioned in sub-clause (*a*) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet;

(*2*) in any case in which the Executive Officer considers it impracticable to enforce the provisions of sub-clause (*a*) and sub-clause (*b*), the two openings prescribed by clause (*1*) shall be made as follows:—

(*i*) one opening shall be made by carrying up from a point as near as may be practicable to the trap prescribed by rule 7, sub-rule (*1*), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet; and such opening shall be situated on that side of the said trap which is nearer to the premises;

(*ii*) the second opening shall be made at a point in the drain as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drain by means of a suitable pipe or shaft;

(*3*) every opening provided under this rule shall be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening;

(Schedule XV.—Rules as to drains, privies and urinals. —Rule 9.)

(*4*) such grating or cover shall be so constructed and fitted as to secure the free passage of air through it by means of a sufficient number of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted;

(*5*) every pipe or shaft referred to in this rule shall be of a sectional area not less than that of the drain with which the pipe or shaft communicates and not less than the sectional area of a pipe or shaft of the diameter of four inches;

(*6*) except with the written permission of the Corporation, no bend or angle shall be formed in any pipe or shaft referred to in this rule;

(*7*) where the situation, height, sectional area and mode of construction of the soil-pipe of any connected-privy or connected-urinal, or the waste-pipe from any slop-sink situated within any premises, are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Executive Officer, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft.

Soil-pipe of connected-privy or urinal.

9. The soil-pipe of every connected-privy or connected-urinal constructed after the commencement of this Act or provided for a new building shall—

(*a*) be at least four inches in diameter,

(*b*) be fixed outside the privy or urinal, or outside the building in which the privy or urinal is situated and be continued upwards without any diminution of its diameter,

(*c*) be of such height and be so placed as to afford, by means of the open end of the pipe, a safe outlet for sewer air,

(*d*) whenever practicable, be so constructed as to avoid any bend or angle, and

(*e*) be so constructed as to have no trap between the pipe and the drains with which the privy or urinal communicates, and no trap (other than such trap as necessarily forms part of the apparatus of the privy or urinal) in any part of the pipe.

(Schedule XV.—Rules as to drains, privies and urinals.—Rules 10, 11.)

Ventilation of soil-pipe of connected-privy or urinal detached from building.

10. Where any such connected-privy or connected-urinal has no internal communication with any building other than the privy or urinal, then,—

(*a*) if the distance between the privy or urinal and the trap provided under rule 7, sub-rule (*1*), in the drain with which the privy or urinal communicates is not more than ten feet, no ventilation-pipe need be fixed in the soil-pipe;

(*b*) the overflow-pipe from any cistern or from not more than thirty feet, a ventilation-pipe shall be fixed in the soil-pipe at a point as far distant as may be practicable from the trap provided under rule 7, sub-rule (*1*); and such pipe shall be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ten feet, and shall be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of a pipe of the diameter of four inches;

(*c*) if the said distance is more than thirty feet the soil-pipe shall be ventilated in the manner prescribed by rule 8.

Waste-pipes.

11. (*1*) The following pipes in any new building, namely:—

(*a*) the waste-pipe from any bath-sink (not being a slop-sink constructed or adapted to be used for receiving sewage) or lavatory,

(*b*) the overflow-pipe from any cistern or from any safe under a bath or connected-privy or connected-urinal, and

(*c*) every other pipe for carrying off waste water,

shall be taken through an external wall of the building, may, if the Executive Officer so directs, be provided with a suitable trap, and shall be so constructed as to discharge into the open air over a channel leading to a trapped gully-grating at least eighteen inches distant from that end of the pipe from which the water issues.

(2) The waste-pipe in any such building from any slop-sink constructed or adapted to be used for receiving sewage shall be constructed so as to comply with such of the rules in this schedule as relate to the soil-pipe of a connected-privy or connected-urinal.

Open house-drains.

12. (1) Every open house-drain constructed after the commencement of this Act, or provided for a new building, for the purpose of discharging surface or sullage water, shall be constructed of brick masonry or concrete covered with a plaster containing not less than twenty-five *per cent.* of Portland cement or any other cement approved by the Executive Officer or of natural or artificial stone, or of glazed half-round pipes.

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

Type-plans.

13. Type-plans for the construction of house-drains shall be prepared by the Corporation and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

Maintenance of house-drains kept up for the benefit of certain premises only.

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the municipal fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street,—

shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of such premises as the Corporation may direct.

(2) The Corporation may, by written notice, require such owner or occupier, as the case may be—

(a) to repair, flush, cleanse or empty such house-drain, or

(b) to take such other order with such house-drain as the Corporation may deem necessary.

Maintenance of house-drains jointly used by two or more premises.

15. (1) Every house-drain whether constructed at the charge of the municipal fund or not which is jointly used for the drainage of two or more premises, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owners or occupiers of such premises as the Corporation may direct,

(Schedule XV.—Rules as to drains, privies and urinals. —Rules 16—18.)

(*2*) The Corporation may, by written notice, require the said owners or occupiers, as the case may be, to carry out any work referred to in sub-rule (*1*), and the cost thereof, whether incurred by the said owners or occupiers or by the Corporation under section 510, sub-section (*2*), shall be paid by the said owners or occupiers in such proportion as the Corporation may think fit.

Power to Executive Officer to supervise and require alteration of work of laying underground drain.

16. (*1*) When any underground drain, which is not a municipal drain, is being laid, the Executive Officer may cause the work to be supervised and may from time to time, by written notice to the person carrying out the work, require the making of any reasonable alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work.

(*2*) If any requisition under sub-rule (*1*) is not complied with, the Corporation may stop the work and dismantle anything which has been done in contravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

Restriction on construction of drain beneath building.

17. Except with the written permission of the Corporation and in conformity with such conditions as may be prescribed by the Corporation, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Drains passing beneath a building.

18. The following provisions shall be observed when any drain is, with the permission of the Corporation granted under rule 17, constructed so as to pass beneath a building, namely:—

(*1*) the drain-pipe shall be of iron or such other material as the Executive Officer may approve;

(*2*) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain;

(*3*) the drain shall be laid in a direct line throughout the whole distance beneath the building;

(*4*) the drain shall be completely embedded in, and covered with, good and solid concrete at least six inches thick all round;

(Schedule XV.—Rules as to drains, privies and urinals. —Rule 19.)

(5) adequate means for ventilating the drain shall be provided (where necessary) at each end of such portion thereof as lies beneath the building.

Privies and urinals.

Plans of privies and urinals to be submitted to Corporation.

19. (1) Every person who intends to construct any privy or urinal or to make any substantial additions to, or alterations in, any privy or urinal, shall send to the Corporation an application in such form (to be supplied to the applicant free of charge) as may be prescribed by the Corporation.

(2) Such application shall be accompanied by—

(a) a site-plan, in triplicate unless the Corporation otherwise direct, drawn to a scale of not less than twenty feet to the inch and showing all surroundings to a distance of fifty feet from the privy or urinal, and

(b) a detailed plan in triplicate of the privy or urinal with sections and cross-sections, drawn to a scale of four feet to the inch and showing—

(i) the means of ventilation,

(ii) (for connected-privies and connected-urinals only) the position and capacity of the reserve tank and flushing cistern,

(iii) (for connected-privies and connected-urinals only) the size and position of the anti-syphonage pipe, soil-pipe, ventilation-pipe, water-pipe, syphon-trap, and other appurtenances,

(iv) the ground-level and the floor-level,

(v) all pipes and other appurtenances in connection with the filtered water-supply, and

(vi) any other particulars which may be prescribed by the Corporation:

Provided that where any privy or urinal forms part of any building for which an application has been made under rule 52 of Schedule XVII, the particulars required under this rule may be attached to such application.

(Schedule XV.—Rules as to drains, privies and urinals. —Rules 20—23.)

Power to Corporation to refuse to sanction service-privy or service-urinal which will be a nuisance.

20. The Corporation may, for reasons to be recorded by them in writing and furnished to the applicant free of charge, refuse to grant permission to erect any service-privy or service-urinal which will, in their opinion, be a nuisance.

Regulation of site of service-privies and service-urinals.

21. (1) No service-privy or service-urinal exceeding eleven feet in height shall be placed in the space required by this Act to be left at the back of a building.

(2) No service-privy or service-urinal situated in, or adjacent to, a building shall be placed at a distance of less than six feet from—

(i) any public building, or

(ii) any building which is, or is likely to be, used as a dwelling-place, or a kitchen, or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business.

(3) No service-privy or service-urinal shall be constructed in any premises occupied by a masonry building, or, without the special sanction of the Corporation in any other premises which are situated in a street which has been sewered and has an adequate unfiltered water-supply.

(4) Every service-privy and service-urinal shall be detached from the inhabited portion of any building.

Power to Corporation to require substitution of connected-privies for service-privies and connected-urinals for service-urinals.

22. (1) No service-privy or service-urinal shall be placed on any upper floor of a building:

Provided that, if in any case the Corporation considers it impracticable or inexpedient to provide a connected-privy or a connected-urinal, they may, by written notice, authorize the owner of the building to erect a service-privy or a service-urinal, as the case may be.

(2) The Corporation may, by written notice, require the owner of any building to convert any service-privy into a connected-privy and any service-urinal into a connected-urinal.

Power to Corporation to require owner to provide access to service-privy or service-urinal from street.

23. (1) If there is no convenient access from a street to any service-privy or service-urinal, and if the Corporation consider it inexpedient to require that the privy or urinal be converted into a connected-privy or connected-urinal, as the case may be, they may, if they think fit, by written notice, require the owner of the privy or urinal to form a passage giving access thereto from a street.

(Schedule XV.—Rules as to drains, privies and urinals. —Rules 24—26.)

(*2*) Every notice served under sub-rule (*1*) shall require that such passage be formed at ground-level, be not less than four feet wide, and be provided with a suitable door, and shall inform the said owner that the passage may, at his option, be either open to the sky or covered in.

Models and type-plans.

24. Models and type-plans of privies and urinals approved by the Corporation, with estimates of the cost of constructing privies and urinals in accordance therewith, shall be kept in the municipal office, and shall be open to inspection by any person at all reasonable times without charge; but no person shall be bound to construct any privy or urinal in accordance with any such model or type-plan if such privy or urinal be constructed in accordance with the other rules contained in this schedule.

Drains.

25. (*1*) A drain shall be provided for every service-privy and every service-urinal.

(*2*) Such drain shall be constructed of some impervious material and shall connect the floor of the privy or urinal—

(*a*) with a drain communicating with a municipal sewer, or

(*b*) if permitted by the Corporation, with an impervious cesspool the contents of which can be removed to a municipal sewer either by hand or by flow after filtration.

Floor.

26. (*1*) The floor of every privy and every urinal shall,—

(*a*) if the Executive Officer in any case so directs, be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles, artificial stone or cement, or

(*b*) if no such direction is given, be made of thoroughly well-burnt earthen tiles or bricks plastered (and not merely pointed) with cement, and

(*c*) be in every part at a height of not less than six inches above the level of the surface of the ground adjoining the privy or urinal.

(*2*) The floor of every service-privy and every service-urinal shall have a fall or inclination of at least half an inch to the foot towards the drain prescribed by rule 25.

(Schedule XV.—Rules as to drains, privies and urinals. —Rules 27—30.)

(*3*) The floor of every connected-privy and connected-urinal in which the opening of the pan is placed on the level of the floor shall have a fall or inclination towards the pan of at least half an inch to the foot.

Walls and roof.

27. The walls and the roof (if any) of every privy and every urinal shall be made of such materials as may be approved by the Corporation:

Provided that—

(*a*) in the case of service-privies and service-urinals, the entire surface of the walls below the platform shall either be rendered in cement or be made as prescribed in clause (*a*) or clause (*b*) of sub-rule (*1*) of rule 26;

(*b*) in the case of connected-privies and connected-urinals the walls shall, up to a height of at least twelve inches above the platform, be made as prescribed in clause (*a*) or clause (*b*) of sub-rule (*1*) of rule 26.

Platform.

28. The platform of every privy and every urinal shall either be plastered with cement or be made of some water-tight non-absorbent material.

Ventilation of privies and urinals in, or adjacent to, buildings.

29. Every privy and every urinal situated in, or adjacent to, a building shall have an opening, of not less than three square feet in area, in one of the walls of the privy or urinal, as near the top of the wall as may be practicable and communicating directly with the open air.

Service-privies and urinals to be provided with a moveable receptacle for sewage.

30. (*1*) Every service-privy and service-urinal shall be provided with a moveable receptacle for sewage.

(*2*) The following provisions shall have effect with regard to such privies, urinals and receptacles, namely:—

(*a*) the space beneath the platform of the privy or urinal shall be of such dimensions as to admit of a moveable receptacle for sewage, of a capacity not exceeding two cubic feet, being placed and fitted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the aperture in the platform;

(*b*) the privy or urinal shall be so constructed as to afford adequate access to the said space for the purposes of cleansing it and of placing therein, and removing therefrom, a proper receptacle for sewage;

(Schedule XV.—Rules as to drains, privies and urinals.—Rules 31—33.)

(*c*) the said receptacle shall be water-tight and shall be made of metal, well-tarred earthenware or glazed stoneware, and shall be of such construction and shape as the Executive Officer may consider suitable;

(*d*) the door of the opening for the insertion and removal of the said receptacle shall be so made as completely to cover the said opening.

31. Every connected-privy and connected-urinal shall be sufficiently separated, to the satisfaction of the Executive Officer, from all kitchens, habitable rooms and rooms in which any person is, or is intended to be, employed in any manufacture, trade or business. Connected-privies and urinals to be separated from kitchens, etc.

32. (*1*) Every connected-privy shall be provided with a suitable water-cistern, so arranged as— Flushing of connected-privies and of urinals.

(*a*) to discharge direct into the pan of the privy not less than three gallons of water each time the cistern is used, and

(*b*) to prevent water being drawn from the cistern for any other purpose.

(*2*) All waste-pipes and overflow-pipes attached to such cistern shall terminate in the open air and be cut off from all direct communication with any drain.

(*3*) Every urinal shall be provided with adequate flushing arrangements to the satisfaction of the Chief Engineer.

(*4*) For the purpose of supplying water to the flushing cistern of a connected-privy or connected-urinal a reserve tank of such capacity as may be prescribed by the Corporation shall be provided at a height sufficient to supply the cistern with water, and in case the reserve tank is situated at such a height that it cannot be supplied direct from the street main, the owner of the premises shall provide a suitable pump and shall make all necessary arrangements to ensure a satisfactory supply of water to the reserve tank:

Provided that where the height of the building containing such privy or urinal does not exceed the number of feet for which the pressure of unfiltered water is required by or under this Act for that street, the provisions of this sub-rule shall not be put into operation.

33. Every connected-privy and connected-urinal shall be provided with a pan of such form and dimensions as may be approved by the Chief Engineer. Pan for connected-privies and urinals.

(Schedule XV.—Rules as to drains, privies and urinals.—Rules 34—38.)

Water-trap

34. Every connected-privy and connected-urinal shall be provided with an air-tight water trap immediately below the pan.

Syphon-trap and anti-syphonage pipe.

35. (*1*) Every connected-privy and connected-urinal shall be provided with a syphon-trap which shall be proof against syphonage.

(*2*) In all cases where a connected-privy or connected-urinal is more than one storey high, an anti-syphonage pipe having an internal diameter of not less than two inches shall be provided, and such pipe shall be carried independently to a height of at least two feet above the roof of the privy or urinal or the roof of the building in which such privy or urinal is situated.

Prohibition of "containers" and "D traps."

36. No "container" or other similar fitting shall be placed under the pan of a connected-privy or connected urinal; and no trap of the kind known as a "D trap" shall be used with any such privy or urinal.

Soil-pipe for connected-privies and connected-urinals.

37. (*1*) Every connected-privy and connected-urinal shall be provided with a soil-pipe for carrying sewage to a municipal sewer.

(*2*) Such soil-pipe shall be provided with air-tight joints, and, if it be placed above ground, shall be made of metal approved by the Executive Officer.

(*3*) Such soil-pipe shall, in addition to the trap prescribed by rule 34, be provided with a trap placed at some point between the privy or urinal and the sewer referred to in sub-rule (*1*).

(*4*) Such soil-pipe shall be ventilated by direct communication with the open air in the manner prescribed by the rules contained in this schedule; and, if the privy or urinal is situated in a building, the pipe shall be carried outside the building.

Enforcement of the foregoing rules in the case of future privies or urinals.

38. If any new building which is a privy or urinal is so constructed as to contravene any of the provisions of this schedule, the Corporation may (whether or not the offender be prosecuted under this Act), by written notice, require—

(*a*) the occupier of the building to which the privy or urinal belongs, or

(*b*) (if the privy or urinal does not belong to a building) the owner of the land on which the privy or urinal stands,

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal into conformity with the said provisions.

SCHEDULE XVI.

RULES AS TO THE REGULATION, MAINTENANCE, PROTECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

[*See sections 298, 364 (6) and (9) and 488.*]

Regulation, maintenance and protection of streets and public places.

1. (*1*) The Corporation shall cause any hedges belonging to them which border on any street or square to be trimmed or pruned to a height not exceeding seven feet, and shall cause any trees belonging to them which overhang any public street, so as to obstruct the same or cause damage thereto, to be cut and trimmed.

Cutting of hedges and trees and power to Corporation to cause same to be cut.

(*2*) The Corporation may, by written notice, require the owner or occupier of any land or building to trim or prune, to a height not exceeding seven feet, any hedges thereof bordering on any public street, or to cut and trim any tree appertaining to such land or building which overhangs any public street so as to obstruct the same or cause damage thereto.

(*3*) The Corporation, if for the public safety it appears to them necessary to do so, may cause any hedge or tree referred to in sub-rule (*2*) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the land or building as required by that sub-rule, and the Corporation may nevertheless require the expenses thereof to be paid by the said owner or occupier.

2. (*1*) No verandah supported by pillars resting on a street shall be erected, either as a new structure or otherwise,—

Regulation of verandahs, etc., projecting over streets.

(*a*) in any street specified by the Corporation in that behalf, or

(*b*) in any street the width of which is less than fifty feet and the footpath of which is not less than eight feet in width.

(*2*) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding three feet in width shall be placed on any verandah projecting over a street and not so supported.

(*Schedule XVI.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rule 3.*)

(*3*) No person shall put up any verandah, balcony, sunshade, weather-frame or the like, to project over any street, without the written permission of the Corporation.

(*4*) Subject to the provisions of sub-rule (*1*) and sub-rule (*2*), the Corporation may, in their discretion, give written permission, on such conditions as they may think fit and on payment of such fees or rent as may be fixed from time to time by the Corporation, to owners or occupiers of buildings abutting on any street to put up verandahs, balconies, sunshades, weather-frames and the like, whether supported by pillars or not, to project from any building over such street.

(*5*) On the breach of any such condition, the Corporation may, by written notice, require the owner or occupier of the said building to comply with such condition.

(*6*) At any time after permission has been given under sub-rule (*4*) to put up a verandah, balcony, sunshade, weather-frame or the like, to project from a building, the Corporation may, by written notice, require the owner or occupier of the building to remove such projection; and the owner or occupier shall be entitled to reasonable compensation out of the municipal fund on account of such removal:

Provided that no fee shall be charged for any verandah, balcony, weather-frame or the like when the same is situated in or over any street not vested in the Corporation.

Sky-signs.

3. (*1*) No person shall erect or maintain a sky-sign without the written permission of the Corporation, which shall not be granted unless the sign is so constructed and maintained as not to be dangerous to the public or likely to fall into any street or public place.

(*2*) Every written permission granted under sub-rule (*1*) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the Corporation if they consider that the sky-sign for which it was granted has become dangerous to the public or is likely to fall into a street or public place.

(Schedule XVI.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 4—6.)

Execution of works in public streets.

4. (*1*) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Corporation shall cause the place to be fenced and guarded and to be sufficiently lighted during the night and shall take proper precautions for guarding against accident, by shoring up and protecting adjoining buildings; **Guarding and lighting when public street opened or broken up and speedy completion of work.**

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby.

(*2*) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or extinguish any light, set up under sub-rule (*1*).

5. (*1*) When any work referred to in rule 4 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Corporation may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description. **Power to Corporation to prevent or restrict traffic in street during progress of work.**

(*2*) When any such direction has been given, the Corporation shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as they may think proper for preventing or restricting traffic therein.

(*3*) No person shall, without lawful authority, infringe any such order or remove any such bar, chain or post.

Naming of public streets and numbering of premises.

6. (*1*) The Corporation shall from time to time cause to be put up or painted, in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, such name as the Corporation may from time to time determine under section 295, sub-section (*2*), as the name by which such street is to be known. **Posting of street names.**

(Schedule XVI.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 7, 8.)

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Corporation.

Numbering of premises.

7. (1) The Corporation shall from time to time cause all premises in or near each public street to be numbered separately, and shall cause their respective numbers to be affixed in conspicuous places outside such premises at or near the entrances thereto.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, and no person shall affix to any such premises a private number of the same design as such number.

Corporation to keep a register of premises.

8. The Corporation shall keep a register of all alterations made by them in the names of streets and in the numbers of the houses therein and such register shall be kept in such a form as to show the date of every such alteration and the name of the street and the number of the premises previous to such alteration, as well as the new name of the street and the new number of the premises. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Corporation may from time to time determine.

SCHEDULE XVII.

RULES AS TO THE USE OF BUILDING-SITES AND THE EXECUTION OF BUILDING-WORK.

[*See sections 319, 330, 331, 363, 364 (10), 488, 494 and 495.*]

Part I.—Building-sites.

1. No piece of land shall be used as a site for the erection of a building,— Conditions as to use of building-sites.

(*1*) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Corporation may consider practicable; and,

(*2*) if the site is within thirty feet of a tank, unless the owner takes, or satisfies the Corporation that he will take, such order as will prevent any risk of the drainage of the building passing into the tank; and,

(*3*) if the site is a filled-up tank, or has been filled up with, or used for depositing, rubbish, offensive matter or sewage, unless the Corporation have caused the site to be examined and granted a certificate to the effect that it is, from sanitary and engineering points of view, fit to be built upon; and,

(*4*) if the building to be erected is a public building, a dwelling-house or a hut intended for human habitation, unless the site is certified by the Corporation to be dry and well-drained, or unless the Corporation are satisfied that it is capable of being well-drained and that the owner will take the necessary steps to drain it.

2. (*1*) Any person who intends to erect any building upon a site on which a building has been previously erected, whether before or after the commencement of this Act, may, before commencing to erect his intended building, cause to be prepared plans showing the extent of the previously existing building in its several parts Certificate as to correctness of plans of a previously existing building and fees therefor.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 3.)

(or, in the event of such building having been taken down before the commencement of this Act, or having been accidentally destroyed, the best plans available under all the circumstances of the case), and may cause such plans to be submitted to the Corporation who shall (if reasonably satisfied with the evidence of their accuracy) certify the same; and such certificate shall for the purposes of these rules be taken to be conclusive evidence of the correctness of the plans.

(*2*) The Corporation, when granting a certificate under this rule, may charge such fees, not exceeding ten rupees for any one building, as they may think fit.

Part II.—Buildings generally.

Height.

3. (*1*) If a building is situated at the side of a street, no portion of the building, except open or balustraded parapets not more than four feet high, shall intersect any of a series of imaginary lines drawn across the street at an angle of forty-five degrees with the horizontal, such lines being drawn from the side of the street which is the more remote from the building in question, from a height of two feet above the centre of the street:

Provided as follows—

(*i*) where the said street is joined at an angle by another street facing the building, or where the street in which the building is situated terminates in front of the building, the height of that portion of the building which is opposite the street facing it measured from two feet above the centre of the street, shall in the former case, not exceed the height which would be permissible if the building abutted on or were situated on the side of a street equal in width to the width of the street on which it abuts or on the side of which it is situated *plus* half the width of the street facing it, and in the latter case, the height of the building shall not exceed the height which would be permissible if the building abutted on or were situated on the side of a street one-and-a-half times the width of the street terminating in front of it;

(*ii*) nothing herein contained shall affect the erection of a four-storyed building abutting

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 3.)

upon, or situated at the side of a street of not less than forty-five feet in width, if such building, including the parapet wall and the plinth, does not exceed fifty-six feet in height;

(*iii*) nothing herein contained shall affect the erection of a building abutting upon, or situated at the side of, a street of not less than sixty feet in width, if such building does not exceed eighty feet in height; and

(*iv*) no building exceeding eighty feet in height shall be erected without the special permission of the Corporation, who in granting such permission, may impose such conditions as they may think proper for the safety of the public and the safety and convenience of persons occupying the building.

Explanation.—If a building be placed at the edge of the street, its height, measured from two feet above the centre of the street, and excluding parapets as aforesaid, shall not exceed the average width of the street facing the site: but, if the building or one or more of its storeys be set back, the height of the building may be increased, subject to the condition that no portion of the building, after the height is increased intersects any of the aforesaid lines.

(*2*) In the case of a new building erected on any portion of the site of the whole or part of a building in existence at the commencement of this Act, the angle at which the lines referred to in sub-rule (*1*) are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

Provided as follows—

(*i*) the height allowed under this sub-rule shall in no case exceed thirty-six feet, and

(*ii*) except with the special permission of the Corporation, nothing contained in this sub-rule shall authorize the erection of a new building so as to make any portion of it higher than any building which at the commencement of this Act was standing on the same portion of the site.

(*3*) Notwithstanding anything contained in sub-rule (*1*) or sub-rule (*2*), the Corporation may, by order published in the [1][*Official Gazette*], declare that, in any street or portion of a street, not less than twelve feet in width, which is specified in the order, the erection of two-storeyed buildings not exceeding twenty-eight

[1]See foot note 2 on p. 2, *ante*.

(Schedule XVII.—Rules as to the use of building sites and the execution of building-work.—Rule 4.)

feet in height excluding two feet for the plinth and excluding open or balustraded parapets not more than four feet high, will be permitted without complying with the requirements of those sub-rules.

(*4*) If a building is situated on a corner plot so as to abut upon more than one street, the narrower of such streets shall, for the purpose of regulating the height of the building, be deemed to be of the same width as the wider street to a distance of fifty-five feet from such wider street.

(*5*) Notwithstanding anything contained in sub-rules (*1*), (*2*) or (*4*),—

(*a*) a building of not more than one-storey and not exceeding twelve feet in height (excluding two feet for the plinth) above the centre of the street, and

(*b*) if, in any street which is less than twelve feet in width, the owner of any building-site abutting on the street makes a free gift to the Corporation of all land comprised within such site, which falls within six feet of the centre line of such street, then a two-storeyed building not more than twenty-eight feet high,

may be erected without complying with the requirements of the said sub-rules.

(*6*) For the purposes of clause (*b*) of sub-rule (*5*) of this rule and of clause (*b*) of sub-rule (*4*) of rule 30—

(*a*) the Corporation may prescribe a centre line for any street which is less than twelve feet in width, and

(*b*) when such centre line has been prescribed, the side of the street shall, for the purposes of sub-rule (*1*), be deemed to be an imaginary line drawn six feet from such centre line.

Level of floor.

4. The floor or lowest floor of every new building erected from the ground-level shall be constructed at such level as will admit of—

(*a*) the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 5—8.)

(*b*) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged at a point in the upper half of such sewer or with some other means of drainage into which the drainage may lawfully be discharged.

Provision of fire-escapes, staircases and lift in certain buildings.

5. (*1*) All public buildings and all buildings of the warehouse class, and where the Corporation deem it necessary, all buildings of four or more storeys, shall be provided with adequate means of escape in case of fire, to the satisfaction of the Corporation, and shall also be provided with such number of staircases as the Corporation may require.

(*2*) The Corporation may, by written notice, require the owner of a new building, more than sixty feet in height or comprising four or more storeys, erected after the commencement of this Act, to provide a lift or some other similar mechanical contrivance for carrying persons from one floor to another.

Certain buildings not to be erected within six feet of a service-privy.

6. No new public building or new building which is, or is likely to be used as a dwelling-place or a kitchen or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business shall be erected within six feet of any service-privy or service-urinal.

Prohibition of use of inflammable materials for roofs or external walls.

7. (*1*) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas or other inflammable materials.

(*2*) The Corporation may, by written notice, require the owner of any building situated within a distance of thirty feet from any other building, and having at the commencement of this Act an external roof or wall made of any such inflammable material, to remove or alter such roof or wall.

(*3*) Sub-rules (*1*) and (*2*) shall not apply to bamboo shingle or wood or to any garden hut, orchid house, fernery or other similar structure within a compound, unless in any particular case the Corporation consider any such structure to be dangerous.

Part III.—Masonry buildings generally.

Foundation.

8. (*1*) Except with the sanction of the Corporation, the foundation of masonry buildings shall rest on solid ground.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 9—14.)

(*2*) Except with the sanction of the Corporation, the spread of the foundation shall be such that the pressure on the soil, taking into account the load on the floors and terrace-roof (if any) referred to in rules 15 and 17, shall not be greater than one ton on the square foot.

(*3*) The levels of the foundation shall be such as the Corporation may consider satisfactory.

Plinth.

9. The plinth of a masonry building, except in the case of motor garages and coach-houses, shall be at least two feet above the level of the centre of the nearest street:

Provided that the plinth of stables and cow-sheds, may be one foot above such level.

Footings for walls.

10. Every wall of a masonry building shall be constructed so as to rest upon proper footings having regular offsets and on each side of the wall a horizontal spread (equal on each such side) of not less than one-half the height of the footings, provided that when an adjoining wall interferes the footings may, subject to the provisions of rule 8, sub-rule (*2*), be omitted, where that wall adjoins.

Outer walls.

11. The outer walls of a masonry building shall be constructed of brick or some similar hard and incombustible substance.

Bonding of walls.

12. All walls of a masonry building shall be properly bonded.

Damp-proof course.

13. (*1*) Every wall of a masonry building shall have a damp-proof course at the level of the ground floor.

(*2*) Such damp-proof course may consist of sheet-lead, asphalt, slates laid in cement, vitrified bricks or any other durable material impervious to moisture.

Walls in building of more than one storey.

14. If a masonry building exceeds one storey in height,—

(*a*) every wall shall be solidly put together with—

(*i*) good cement, or

(*ii*) good lime, or

(*iii*) mortar compounded with good cement and sand or other suitable material, or

(*iv*) mortar compounded with good lime and sand or other suitable material;

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 15—20.)

(*b*) the proportions of the materials forming such mortar shall be such as are approved by the Corporation;

(*c*) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it; and

(*d*) every wall shall be of such thickness as the Corporation may consider necessary to ensure safety, regard being had to the height of the building, the materials of which it is constructed, and the purpose for which it is intended to use it.

15. The floors of every masonry building shall be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty-six pounds on the square foot. **Floors.**

16. (*1*) All beams and girders in a masonry building shall be supported by a breadth of brick-work, stone or other solid substance sufficient to secure their stability. **Beams and girders.**

(*2*) The bearing of a beam or girder on a wall shall not, without the sanction of the Corporation, be less than three-fourths of the thickness of the wall.

17. Terrace-roofs shall be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the Corporation. **Terrace-roofs.**

18. Notwithstanding anything contained in this schedule, a boundary wall may be erected on the boundary of a site to any height which the Corporation may think fit and proper in the special circumstances of the case. **Power to Corporation to regulate height of boundary wall.**

19. Not less than three days before any person commences to erect a new building (other than a hut) the owner of the building shall send to the Corporation a written notice specifying the date on which it is proposed to commence the work. **Notice to be sent to Corporation before commencing work.**

20. Within one month after the completion of the erection of a new building (other than a hut)— **Notice after completion of work.**

(*a*) the owner of the building shall send to the Corporation a written notice of the fact of such completion; and

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 21, 22.)

(*b*) the licensed building surveyor or other person (if any), employed under rule 55 to supervise the erection of the said building, shall sign and send to the Corporation a true certificate in the following form:—

"BUILDING COMPLETION CERTIFICATE.

(See Schedule XVII, r. 20.)

I do hereby certify that the following building work (*here insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Calcutta Municipal Act, 1923, or of the rules and by-laws made thereunder, and no requisition made, condition prescribed or order issued under the said Act, rules or by-laws has been transgressed in the course of the work."

Inspection of masonry buildings by Corporation.

21. The Corporation may,—

(*a*) at any time during the erection of any new building (other than a hut), or

(*b*) within one month after the receipt of the notice or the certificate sent under rule 20 with respect to any such building, or

(*c*) if no such notice or certificate has been received, at any time after the building has been erected,

inspect such building, without giving previous notice of their intention to do so.

Power to Corporation to take action after making inspection.

22. (*1*) If, on making any inspection under rule 21, the Corporation find that the building inspected is being or has been erected—

(*a*) otherwise than in accordance with the plans thereof which they have approved, or

(*b*) in such a way as to contravene any of the provisions of this Act or any rules or by-laws made thereunder,

(*Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 23, 24.*)

they may, by written notice, require the owner of the building either—

(*i*) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, or

(*ii*) to appear before them and show cause why such alterations should not be made.

(*2*) If such owner does not appear and show cause under clause (*ii*) of sub-rule (*1*), he shall be bound to make the alterations specified in such notice.

(*3*) If such owner appears and shows cause under clause (*ii*) of sub rule (*1*), the Corporation shall, after hearing him, either—

(*a*) cancel the notice issued under sub-rule (*1*), or

(*b*) confirm the same, subject to such modifications (if any) as they may think fit.

Part IV.—Dwelling-houses and other domestic buildings.

Proportion of site for dwelling-house which may be built upon.

23. The total area covered by all the buildings on any site used for a dwelling-house shall not exceed two-thirds, or, in localities where the erection of only detached buildings is allowed, one-third, of the total area of the site, and the area not so covered shall form part of the site:

Provided that the Corporation may at any time permit an excess area not exceeding five *per cent.* of the total area of the site to be covered in the case of a detached building, where they are satisfied, for special reasons to be recorded in writing, that the convenience or amenity of the building will be substantially increased, if such excess area is permitted to be covered.

Dwelling-houses and out-offices where two-thirds of site are left vacant.

24. (*1*) If two-thirds of any building-site are left vacant—

(*a*) the dwelling-house may be placed in any part of the site, but not (subject to the provisions of section 303 or section 309, as the case may be) so as to extend beyond any building-line prescribed under section 302 or section 308; and

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 25.)

(*b*) servants' houses, stables and other out-offices within the area of the site shall not be of more than two storeys or exceed twenty-four feet in height or twenty feet in depth, and shall not be placed on more than two sides of the dwelling-house or within twenty-four feet of the dwelling-house.

(*2*) If two-thirds of a building-site are left vacant under sub-rule (*1*) no building or part of a building shall be erected so as to encroach upon the area so left vacant:

Provided that the Corporation may at any time permit an excess area not exceeding five *per cent.* of the total area of the site to be covered in the case of a detached building where they are satisfied, for special reasons to be recorded in writing, that the convenience or amenity of the building will be substantially increased, if such excess area is permitted to be covered.

Size and ventilation of inhabited rooms.

25. Every room in a domestic building which is intended to be used as an inhabited room—

(*a*) shall be in every part not less than ten feet in height, measured from the floor to the underside of the beam on which the roof or ceiling rests;

(*b*) shall have a clear superficial area of not less than eighty square feet;

(*c*) shall have, for purposes of ventilation,—

(*i*) windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteenth of the floor-area of the room, and

(*ii*) an aggregate opening of not less than one-seventh of the floor area, of the room, to be provided by windows, or windows and doors, opening directly into the external air or into an open verandah; and

(*d*) shall, if such room has a cubical area of three thousand cubic feet or less, be provided, for every six hundred cubic feet capacity or fraction thereof, with one or more ventilating openings aggregating not less than one-and-a-half square feet in area, near the ceiling and opening directly into the external air or into an open verandah:

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 26—29.)

Provided that the Corporation may, in their discretion, relax the provisions of clause (*a*) and clause (*d*).

26. Every room in a domestic building which is intended to be used as an inhabited room, and which is constructed over a stable, cattle-shed or cow-house, shall be separated from the stable, cattle-shed or cow-house by a floor of concrete or other impermeable material. Floor of inhabited room over stable, cattle-shed or cow-house.

27. In every domestic building constructed or adapted to be occupied in flats or tenements, the principal common staircase shall be adequately lighted and ventilated upon every storey. Lighting and ventilation of staircases.

28. The ground floor of every domestic building shall be covered throughout, at the height of the plinth, with some impermeable material approved by the Corporation, unless such floor be supported on beams and has a free air-space beneath it. Ground floor.

29. (*1*) The minimum superficial area of every court-yard of a dwelling-house shall be one-fourth of the aggregate floor-area of the rooms and verandahs on the ground floor abutting on the court-yard: Court-yard of dwelling-house.

Provided that, in determining the said aggregate floor-area,—

(*i*) only one-half of the floor-area of such rooms and verandahs as abut on another court-yard or on the open space prescribed under rule 30, or rule 32, and

(*ii*) no portion of the floor-area of such rooms and verandahs as abut on a street not less than twelve feet in width,

shall be taken into account.

(*2*) Any room which is separated only by an open verandah from the court-yard shall, for the purpose of this rule, be deemed to abut on such court-yard.

(*3*) The minimum width of every such court-yard shall be eight feet.

(*4*) No portion of any face of a dwelling-house abutting on such court-yard shall intersect any of a series of imaginary lines drawn across the court-yard from the opposite face of the house, at the level of the plinth, at an angle of sixty-eight degrees with the horizontal:

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 30.)

Provided that nothing contained in this sub-rule shall prevent the construction of four-storey buildings on two sides of a court-yard where the length of the court-yard opposite such buildings is not less than twenty feet and the width of such court-yard is not less than fifteen feet.

(*5*) For the purposes of sub-rule (*4*), the opposite face of the house shall be deemed to be a vertical plane drawn through the most projecting portion of such face excluding any cornice or moulding not exceeding eighteen inches.

(*6*) Notwithstanding anything contained in sub-rule (*4*), a dwelling-house abutting on a court-yard of which the greater dimension does not exceed twice the less dimension, shall be held to comply with this rule if, by reason of its abutting on a court-yard of the same area but square in shape, the building would comply with this rule.

Open space in rear of building, regulating the rear height.

30. (*1*) There shall be, at the back of every domestic building, an open space extending along the entire width of the building and forming part of the site thereof.

(*2*) The said space shall be of such width that any of a series of imaginary lines drawn across such space at an angle of sixty-three-and-a-half degrees with the horizontal, from points on a level with the plinth of the building and situated on that side of the said space which is furthest from the building, shall not intersect any portion (other than open or balustraded parapets not more than four feet in height) of the building:

Provided as follows—

(*i*) the minimum width of such space shall be ten feet;

(*ii*) in the case of three-storeyed buildings, the angle referred to in this rule shall be increased from sixty-three-and-a-half degrees to sixty-eight degrees; and

(*iii*) in the case of any building in which there are both an outer and an inner court-yard, a minimum distance of six feet shall be permitted.

(*3*) If it is proposed to erect one or more buildings on the site of an existing building or if two or more buildings are proposed to be erected on any one site

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 31.)

(whether or not such buildings are connected by means of verandahs or gangways or in any similar manner), the open space referred to in sub-rule (*1*) shall be provided at the back of each such building.

(*4*) This rule shall not apply in the case of—

(*a*) a building the back of which abuts on a public square or street or a place dedicated to public use and not likely to be built upon not less than sixteen feet in width;

(*b*) a building the back of which abuts on a public street less than sixteen feet in width, if the owner makes a free gift to the Corporation of all land comprised within the site of the building, which falls within eight feet of the centre line of such street as prescribed by the Corporation under rule 3, sub-rule (*6*); and

(*c*) a building to which rule 24 applies:

Provided that, in cases (*a*) and (*b*), the height of the building shall, in accordance with the provisions of rule 3, be regulated by the width of the public square or street on which it abuts.

(*5*) For the purposes of this rule, the back of a building shall be deemed to be that face of the building which is furthest from any street at the side of which the building is situated:

Provided that, where a building is situated at the side of more than one street, the back of the building shall, unless the Corporation otherwise direct, be deemed to be that face of the building which is furthest from the widest of such streets.

Relaxation of rule 30 in certain cases.

31. If any person desires to erect a domestic building upon a site which is irregular or of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 30, the Corporation may relax the provisions of that rule:

Provided that—

(*a*) such open space shall be left as the Corporation may consider practicable, having regard to all the circumstances of the case; and

(*b*) not more than two-thirds of the total area of the site shall be occupied by buildings.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 32.)

Open space at sides of building.

32. (*1*) Except in the case of buildings to which rule 24 applies, if either side of a domestic building is not attached to the adjacent building, and if such side does not abut on a public square or street which is not less than six feet in width, or on a private street or partition passage which, in the opinion of the Corporation, is likely always to be kept open to the sky and which is not less than eight feet in width,

there shall be between the buildings an open space extending along the entire length of such side and forming part of the side of the said domestic building:

Provided that attachment of any building to the adjacent building shall not be allowed (except with the permission of the Corporation) in areas declared for the purpose if either of the buildings is a dwelling-house.

(*2*) The minimum distance across such space from every part of the said domestic building to the boundary line of the land or building immediately opposite such part shall be—

(*a*) six feet, if there is a building next to such boundary line or within two feet of it, or

(*b*) four feet if there is an open space of two feet or more on the other side of such boundary line:

Provided that where there is a public street by the side of the site which is less than six feet wide, the owner may, by giving to the Corporation free of charge such land as will make the street six feet wide, be exempted from leaving further side space under this rule.

(*3*) Notwithstanding anything contained in this rule, where a site adjacent to the site of a proposed building is not occupied by a masonry building situated within ten feet of the boundary line between the two sites and within twenty-four feet from the frontage of the street on which the two sites abut, the proposed building may, with the sanction of the Corporation, be erected along the said boundary line up to a depth of twenty-four feet from such street frontage, unless, in the opinion of the Corporation, there is any objection to any building which may be subsequently erected on the adjacent site being attached to the building so erected.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 33—35.)

33. (*1*) Every court-yard of a building, and every open space prescribed by rule 30 or rule 32, shall be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street. **Court-yards and outward open spaces to be raised and kept open.**

(*2*) Every such court-yard and open space shall form part of the site of the building, shall be open to the sky throughout its entire area, and shall be kept accessible for the purpose of cleansing; and no structure shall be erected within or above, or so as to project over, the same:

Provided that—

(*a*) a one-seated or two-seated connected-privy or a privy with a bathroom attached thereto or two connected privies, not exceeding forty square feet in floor-area in the aggregate, exclusive of walls, may be erected in the open space left under rule 30, sub-rule (*2*); and

(*b*) such privy or privies with attached bathroom may have as many storeys over them as there are storeys in the house to which they belong, each of such storeys being connected with the main building by a gangway, or in the case of two separate privies two gangways or bridges, not more than three feet in width for each privy and not exceeding six feet in width in the aggregate.

(*3*) The provisions of sub-rule (*2*) shall apply only to the minimum area prescribed under this schedule for any court-yard or open space referred to in the said sub-rule.

34. All court-yards in a domestic building, and all other open spaces therein not exceeding six feet in width, shall be paved with some impermeable substance and drained to the satisfaction of the Corporation. **Paving and draining of court-yards and open spaces.**

35. Except with the permission of the Corporation, for the purpose of calculating the open space required to be left under rules 23, 24, 30 and 32, no space which falls within the alignment of a street or is included within the alignment of a projected public street shall be taken into account. **Space to be added to street not to be taken into account under rules 23, 24, 30 and 32.**

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 36—41.)

Open space prescribed for one site not to be taken for another site.

36. No building shall at any time be erected on any open space prescribed under this schedule for a building and forming part of the site thereof, nor shall such open space be taken into account in determining the area of any open space required, under this schedule, for any other building.

Position of privies in a domestic building.

37. No room other than a bathroom, privy or urinal shall be placed over a privy in a domestic building, and no privy shall be placed in a domestic building under any room other than a bathroom, privy or urinal.

Part V.—Buildings of the warehouse class.

Height of buildings of the warehouse class.

38. (*1*) In applying rule 3, sub-rule (*1*), to any building of the warehouse class situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (*d*) of sub-section (*1*) of section 324, the said sub-rule shall be read as if fifty-six-and-a-half degrees were substituted for forty-five degrees.

(*2*) Sub-rule (*2*) of rule 3 shall not apply to any such buildings.

Open spaces for buildings of the warehouse class.

39. The provisions of rules 29 to 36 as to domestic buildings shall have effect in the case of buildings of the warehouse class which are not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (*d*) of sub-section (*1*) of section 324.

Floors of certain buildings of the warehouse class.

40. The floor of every building of the warehouse class intended to be used for the manufacture or storage of articles for human consumption shall be constructed of some impermeable material approved by the Corporation.

Additional open space for buildings of the warehouse class for loading or unloading carts.

41. (*1*) Every building of the warehouse class shall, in addition to any open space prescribed under rule 39, have attached thereto, for the accommodation and passage of carts used for the loading and unloading of goods, an open space, forming part of the site of the building, of such size as the Corporation may consider sufficient, regard being had to the dimension of the building and the nature and extent of the business to be carried on therein:

(*Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 42—44.*)

Provided that, if the Corporation consider that any court-yard, or any open space provided in pursuance of rule 39, is sufficient for the accommodation and passage of such carts, no separate space need be provided under this rule.

(2) Except with the permission of the Corporation no structure which would impede the passage of carts shall be erected within or above, or so as to project over any open space provided under this rule.

Part VI.—Public buildings.

42. (1) The provisions of rules 25, 26, 27, 28, 30, 31, 32, 34, 35 and 37, as to domestic buildings, shall have effect in the case of public buildings. **Application of certain provisions of Part IV to public buildings.**

(2) The provisions of rules 23, 24 and 29, as to dwelling-houses, shall have effect in the case of any public building which is constructed, used or adapted to be used wholly or principally for human habitation, or as a school, college or other place of instruction.

43. The floors of the lobbies, corridors, passages and landings of a public building shall be constructed of incombustible materials, the doors shall be constructed of fire-resisting materials, and the flights of stairs shall be constructed either of incombustible materials or of fire-resisting materials. **Use of incombustible or fire-resisting materials.**

44. The following materials shall, for the purposes of rule 43, be deemed to be incombustible, namely:— **Materials to be deemed incombustible.**

(a) brick-work constructed of good bricks, well-burnt, hard and sound, properly bonded and solidly put together with—

(i) good mortar compounded of good lime and sharp clean sand, hard clean broken brick, broken flint, grit or slag well pulverized, or

(ii) good cement mixed with any of the materials mentioned in sub-clause (i),

(b) granite and other stone which is suitable for building purposes by reasons of its solidity and durability,

(c) iron, steel and copper,

(d) slate, tiles, bricks and terra-cotta, when used for coverings or corbels,

(*Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 45—48.)*

(*e*) flag-stones when used for floors over arches, if not exposed on the underside and if not supported at the ends only,

(*f*) concrete, composed of broken brick, stone chippings or selected slag and lime, cement or calcined gypsum—when the concrete is used for filling-in between joists of floors to a depth of not less than four inches, and

(*g*) any combination of concrete, steel or iron or any other material approved in this behalf from time to time by the Executive Officer.

Materials to be deemed to be fire-resisting but not incombustible.

45. The following materials shall, for the purposes of rule 43, be deemed to be fire-resisting, but not incombustible, namely:—

(*a*) *sal*, teak and other hard timber, when used for beams or posts or in combination with iron, the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating,

(*b*) in the case of doors, *sal*, teak or other hard timber not less than one-and-a-half inches thick, and

(*c*) in the case of staircases, *sal*, teak or other hard timber, the treads and risers being not less than one inch and-a-half thick.

Walls for staircases.

46. The walls supporting or enclosing any staircase in a public building shall be of masonry and not less than ten inches thick.

Uniformity in treads and risers in staircases.

47. The treads and risers of each flight of stairs in a public building shall be of uniform width.

Width of staircases, internal corridors and passage-ways.

48. (*1*) No staircase, internal corridor or passage-way in a public building shall be less than six feet wide:

Provided that, where not more than two hundred persons are to be accommodated in any public building, any staircase, internal corridor or passage-way may be of any width not less than four feet six inches.

(*2*) Every staircase, internal corridor or passage-way in a public building, which communicates with

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 49—52.)

any portion of the building intended for the accommodation of more than four hundred persons, shall be wider than six feet by six inches for every hundred persons over four hundred, subject to a maximum width of nine feet.

(*3*) Notwithstanding anything, contained in sub-rule (*1*) and sub-rule (*2*), instead of a single staircase, corridor or passage-way of the width prescribed by sub-rule (*2*), there may be two staircases, corridors or passage-ways, each being of a width equal to at least two-thirds of the width so prescribed.

49. If the width of any staircase in a public building is eight feet or more, the staircase shall be divided by a hand-rail. **Division of wide staircase by hand-rail.**

50. If some of the persons accommodated in a public building are placed on a higher floor than others, separate means of exit, of the width prescribed by rule 48, sub-rules (*1*), (*2*) or (*3*), as the case may be, and communicating directly with a public street or an open space, shall be provided for each floor: **Separate means of exit from floors on different levels.**

Provided that this rule shall not apply to a hotel or lodging-house, or to any public building which is used as a home, refuge or shelter.

51. All doors and barriers in a public building shall be made open outwards, and no locks or bolts for closing the same from outside shall be affixed thereto. **Doors and barriers to open outwards.**

Part VII.—Applications for permission to erect new buildings (other than huts).

52. (*1*) Every person who intends to erect a new building (other than a hut) shall send to the Corporation an application for permission to execute the work, together with a site-plan of the land, a plan of the whole building, separate plans of each floor of the building, complete elevations and sections of the work and a specification of the work. **Application to Corporation for permission to erect a masonry new building.**

(*2*) Every document referred to in sub-rule (*1*) shall contain the particulars and be prepared in the manner hereinafter in this part prescribed in this behalf.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 53.)

Particulars to be furnished in, and with, such application.

53. (*1*) Every application made under rule 52 shall be written on a printed form (to be supplied by the Corporation free of charge), and shall state the position of the site, the number assigned to it in the assessment-book and its dimensions, the description of the building and its dimensions, and such other particulars as may be prescribed by the Corporation.

(*2*) The site-plan sent with such an application shall be drawn to a scale of not less than one-fiftieth of an inch to the foot, shall be sent in triplicate, and shall show—

(*a*) the boundaries of the site and of any contiguous land belonging to the owner thereof;

(*b*) the position of the site in relation to neighbouring streets;

(*c*) the name of the street in which the building is proposed to be situated;

(*d*) all existing buildings standing on the site;

(*e*) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (*a*), in relation to—

(*i*) the boundaries of the site, and in a case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by the other owners,

(*ii*) all adjacent streets, buildings and premises within a distance of forty feet of the site and of the contiguous land (if any) referred to in clause (*a*), and

(*iii*) (if there is no street within a distance of forty feet of the site) the nearest existing street or some street projected under section 308 or sanctioned under section 314;

(*f*) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (*a*);

(*g*) the position and the number of storeys of all other buildings within forty feet of the site;

(*h*) the position, form and dimensions of kitchens, staircases, privies, urinals, drains, cesspools,

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 53.)

stables, cattle-sheds, cow-houses, wells and other appurtenances of the building;

(*i*) free passage or way in front of the building;

(*j*) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes;

(*k*) the width of the street (if any) in front, and of the street (if any) at the side or rear, of the building; and

(*l*) such other particulars as may be prescribed by the Corporation.

Explanation to clause (d).—If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application that the applicant undertakes to demolish or alter the same, as the case may be.

(*3*) The plans of the building and the elevations and sections accompanying such an application shall be properly coloured and neatly and accurately drawn to a scale of not less than one-eighth of an inch to the foot and shall be sent in triplicate; and the said plans shall show—

(*a*) the levels and width of the foundation of the building;

(*b*) the level of the lowest floor of the building; and

(*c*) the level of all court-yards and open spaces, and the plinth-level of the building, with reference to the level at the centre of the nearest street.

(*4*) The specification accompanying such an application shall comprise full information as to the following particulars, namely—

(*i*) the materials and method of construction to be used for external walls, party walls, foundations, roofs, floors, fire-places and chimneys;

(*ii*) the manner in which roof and house drainage and the surface drainage of land will be disposed of;

(*iii*) the manner (if any) in which it is proposed to pave the court-yards and open spaces, and the slope to which the surface is to be made in each case;

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 54, 55.)

(*iv*) the means of access that will be available to scavengers to get to service-privies;

(*v*) the purpose for which it is intended to use the building;

(*vi*) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress to and from such building; and

(*vii*) such other particulars as may be prescribed by the Corporation.

Explanation to clause (*v*).—If it is intended to use the building or any part thereof for any of the purposes specified in Schedule XIX, or as a stable-cattle shed or cow-house, the fact shall be expressly stated.

Signature of plans, elevations and sections.

54. The plans, elevations and sections referred to in rule 52 shall be signed clearly and in a prominent place by the owner of the building and by the licensed building surveyor who has prepared the same as required by section 323.

Necessary employment of licensed building surveyor or other competent person to supervise building.

55. (*1*) Every person who intends to erect a new building (other than a hut) which is likely in the opinion of the Corporation, to cost not less than fifty thousand rupees, or such other amount as may be fixed from time to time by the Corporation, shall employ a licensed building surveyor, or any other competent person who is approved by the Corporation, to supervise the erection of such building.

(*2*) The name of the person to be so employed shall be stated in the application made, under rule 52, in respect of such building.

(*3*) If the person to be so employed is not a licensed building surveyor, the Corporation may, within seven days of the receipt of the said application, refuse to approve his employment, and may return the application for amendment;

and such application shall thereupon be deemed not to have been made until it has been resubmitted duly amended.

(*4*) If the person so employed dies or ceases to be so employed before the completion of the said building,

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 56.)

the further erection of the same may be continued for a period of a fortnight, but shall then be suspended until—

(*a*) a licensed building surveyor whose name shall forthwith be reported to the Corporation, or

(*b*) any other competent person approved by the Corporation,

has been employed to supervise such erection.

56. (*1*) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make before deciding whether permission to erect a new building (other than a hut) should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date. **Formulation of requirements and objections.**

(*2*) Within fifteen working days after the receipt of any application under rule 52 for permission to execute any work, the Corporation may require the applicant—

(*i*) to furnish them with any information on matters referred to in that rule which has not already been given in the documents received thereunder, or with any document prescribed by that rule which has not been sent in; or

(*ii*) to satisfy them in regard to any objections which may have been taken under these rules to the grant of permission to execute the work.

(*3*) If any information or documents furnished under sub-rule (*2*) are, in the opinion of the Corporation, incomplete or defective, they may, within fifteen working days after the receipt of the same, require further information or documents to be furnished.

(*4*) If any requisition made under sub-rule (*2*) or sub-rule (*3*) is not complied with within three months, the application received under rule 52 shall be refused.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 57—59.)

Permission to execute work when to be given or refused by the Corporation.

57. (*1*) Within fifteen days after the receipt of any application made under rule 52 for permission to execute any work, or of any information or documents or further information or documents required under this schedule, or within fifteen days after the Corporation have been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work,

the Corporation shall, by written order, either—

(*a*) grant permission conditionally or unconditionally to execute the work, or

(*b*) refuse, on one or more of the grounds mentioned in rule 59 or rule 63, as the case may be, to grant such permission.

(*2*) When the Corporation grant permission conditionally under clause (*a*) of sub-rule (*1*), they may in regard thereto impose such conditions, consistent with this Act, as they may think fit.

(*3*) Notwithstanding anything contained in sub-rules (*1*) and (*2*), in any case in which it appears to the Corporation that any public improvements which may render necessary the acquisition of the site of a proposed building or any part thereof are desirable and expedient, they may withhold sanction to the building plans submitted in respect of such building for a period not exceeding three months from the date of such submission.

Remedy if Corporation delay grant or refusal of permission.

58. If within the period prescribed by rule 57, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder.

Grounds on which permission to erect a masonry new building may be refused.

59. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following, namely:—

(*1*) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations, sections or specifications would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 60—62.)

(2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in this schedule;

(3) that, in the case of a new building (other than a hut) falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained;

Ben. Act V of 1911.

(4) that any of the documents referred to in rule 52 have not been signed as prescribed in rule 54;

(5) that any information or documents required by the Corporation under this schedule have not been duly furnished; or

(6) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said permission.

Signature of approved plans.

60. When the Corporation have given permission to execute any work, the approved plans of the work shall be signed by such officer and in such manner as they may direct.

Retention of plan and submission of fresh application after refusal to permit execution of work.

61. When permission to erect a new building (other than a hut) is refused—

(a) the Corporation shall retain one copy of the plans submitted, and shall without charge furnish the applicant with their reasons for such refusal, in writing, and

(b) the applicant may at any time thereafter send to the Corporation a fresh application and fresh or modified documents under rule 52 framed with the object of meeting the objections for which such permission was refused.

Work not to be commenced unless and until permission given.

62. Subject to the provisions of rule 58, the erection of a new building (other than a hut) shall not be commenced unless and until the Corporation have granted written permission for the execution of the work on an application sent to them under rule 52.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 63, 64.)

Special powers to Corporation to suspend or grant permission to erect a masonry building or convert huts, etc., into a masonry building.

63. Notwithstanding anything contained in rule 59—

(*a*) if any street shown in the site-plan is an intended private street, the Corporation may, in their discretion, refuse to grant permission to erect a masonry building or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(*b*) the Corporation may for special reasons grant permission to erect a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission, if not acted upon within three years, or, if granted before a certain date, except in certain circumstances.

64. (*1*) If the erection of any new building (other than a hut) is not commenced, and a substantial portion of it is not completed, within three years after the date on which permission was given to execute the work, the work shall not be commenced or continued until a fresh application has been made and a fresh permission granted under this schedule.

(*2*) At any time before the expiry of three years from the date on which such permission was given, the person to whom it was granted may apply to the Corporation for a certificate that the building has been commenced and a substantial portion of it already completed; and the Corporation shall thereupon cause the said building to be inspected, and, if they consider that a substantial portion of it has been completed, they shall grant a certificate to that effect.

(*3*) If any masonry building, permission to erect which was granted before the commencement of this Act, is not wholly completed within three years from the commencement of this Act, the said permission shall be deemed to have lapsed, and any work done thereunder, after the said three years, shall be deemed to have been done without permission:

Provided that the Corporation may, for special reasons, extend the said period of three years.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 65—68.)

65. If, at any time after permission to erect any masonry building has been given, the Corporation are satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the application made under rule 52, or in the plans, elevations, sections, or specifications submitted therewith in respect of such building, they may cancel such permission, and any work done thereunder shall be deemed to have been done without permission. Power to Corporation to cancel permission on the ground of material misrepresentation by applicant.

Part VIII.—Huts.

66. (*1*) Huts in a *bustee* shall be built in continuous lines, in accordance with an alignment to be prescribed by the Corporation and demarcated on the ground, after hearing the objections (if any) of the owner of the *bustee* and the owners of the huts affected by the alignment. Continuous lines.

(*2*) If the Corporation are of opinion that huts in a *bustee* are likely to be erected hereafter on any vacant land they may, after hearing the objections (if any) of the owner of the land and the owners of the huts affected by the alignment,—

(*a*) prescribe alignments for huts on such land, and

(*b*) from time to time alter such alignments.

67. When an alignment has been prescribed under rule 66, no hut shall be erected so that the distance measured from its eave to such alignment is less than six feet. Distance between eaves and alignment.

68. All spaces referred to in rule 67, between a hut and an alignment, shall remain private property, subject to a right in the Corporation to use them for the purposes of scavenging or for any of the other purposes of this Act: Use of spaces referred to in rule 67.

Provided that, notwithstanding anything contained
IX of 1908 in the Indian Limitation Act, 1908, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of the *bustee*.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 69-77.)

Erection of huts in a *bustee* in court-yard formation.

69. Notwithstanding anything contained in rule 66, or rule 67, huts in a *bustee* may, with the special sanction of the Corporation, be erected so as to form an open court-yard comprising at least one-fourth of the whole area occupied by the huts and court-yard:

Provided that no hut erected under this rule shall contain more than one storey.

Area of court-yard in huts not in a *bustee*.

70. Where huts other than huts in a *bustee* are erected so as to form an open court-yard, the area of the court-yard shall not be less than one-fourth of the area occupied by the huts and court-yard.

Space between huts.

71. There shall be between any two huts a space of at least three feet, measured from eave to eave.

Distance of huts from metalled and sewered street.

72. Except with the sanction of the Corporation, no hut shall be placed at a greater distance than one hundred feet from the nearest part of a metalled and sewered street, unless there be a municipal or *bustee* drain at a distance of not more than twenty feet from the site of such hut.

Distance between hut and masonry building.

73. Except with the sanction of the Corporation, no portion of a hut shall be placed within six feet of a masonry building:

Provided that this rule shall not preclude the erection of huts in the compound of a masonry building in any case where masonry out-offices would be permissible.

Distance between hut and cow-houses, etc.

74. No hut used for human habitation shall be placed within six feet of a cow-house, cattle-shed or stable.

Prohibition of projections or dropping of water over street or passage.

75. Every hut abutting on a street or passage, whether public or private, shall be constructed so as not to project over, or admit of water from the roof falling upon, or injuring, such street or passage.

Height.

76. No hut shall comprise more than two storeys or shall exceed twenty feet in height, measured from the floor level to the junction of the walls with the roof.

Plinth.

77. The floor-level of a hut shall be raised at least two feet above the level of the centre of the nearest street or passage, and the floor shall be paved with brick on edge, cement, concrete or some similar material approved by the Corporation:

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 78—80.)

Provided that the floor of a stable or cow-shed may be one foot above such level.

78. (*1*) The whole of at least one side of every room in a hut shall either be an external wall or abut on an open court-yard or on an open verandah. Rooms.

(*2*) Every room in a hut, which is intended to be used as an inhabited room, shall—

(*a*) be provided with a doorway of not less than fifteen square feet in area;

(*b*) be provided with a window or windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteenth of the floor area of the room;

(*c*) have a superficial area of not less than eighty square feet; and

(*d*) have a height of not less than eight feet measured from the floor-level to the junction of the walls with the roof.

79. (*1*) The court-yard (if any) of a hut shall be so raised that the upper surface shall be one foot above the level of the nearest street or passage, and shall be drained into the nearest drain. Court-yards.

(*2*) The width of such court-yard shall be not less than eight feet.

(*3*) Every such court-yard shall be paved with some impermeable material.

Part IX.—Applications for permission to erect new buildings which are huts.

80. (*1*) Every person who intends to erect a new building which is a hut on any land shall send to the Corporation— Application to be sent, and particulars furnished, to Corporation by person intending to erect a hut.

(*a*) an application for permission to execute the work,

(*b*) a site-plan of the land,

(*c*) plans and sections of the hut, and

(*d*) a specification of the work.

(*2*) Every such application shall contain the particulars and be prepared in the manner prescribed in that behalf in this schedule,

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 81, 82.)

and every such plan, section and specification shall be signed by the licensed building surveyor who has prepared the same as required by section 323.

Application for permission to erect a hut.

81. (*1*) Every application for permission to erect a new building which is a hut shall be written on a printed form to be supplied by the Corporation free of charge.

(*2*) If it is intended to use the hut, or any part thereof, for any of the purposes specified in Schedule XIX, or as a stable, cattle-shed, or cow-house, the fact shall be expressly stated in the said application.

(*3*) The plans sent with such an application shall be drawn to a scale of not less than one-eighth of an inch to the foot, shall include a site-plan drawn to a scale of fifty feet to the inch, shall be properly coloured, shall be sent in triplicate, and shall show—

(*i*) the hut,

(*ii*) the privy provided or to be provided for the use of occupants of the hut,

(*iii*) the position and size of the doors and windows,

(*iv*) all existing building standing on the site,

(*v*) the means of access to the hut from the street or passage on which it abuts,

(*vi*) the position of the hut in relation to all huts, streets, passages, privies and tanks within a distance of fifty feet from the site, and

(*vii*) such other particulars as may be prescribed by the Corporation.

Explanation to clause (*iv*).—If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application referred to in sub-rule (*1*) that the applicant undertakes to demolish or alter the same, as the case may be.

Power to Corporation to require further information or a proper site-plan.

82. (*1*) The Corporation may, on receipt of an application under rule 80, require the applicant—

(*a*) to furnish them with any information on matters referred to in rule 80 which has not already been given in the documents received thereunder, or with a proper site-plan as prescribed by that rule, or

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 83—85.)

(*b*) to satisfy them in regard to any objections which may have been taken under these rules to the grant of permission to execute the work.

(*2*) If any information or plan required under sub-rule (*1*) is, in the opinion of the Corporation, incomplete or defective, they may require further information or a fresh plan to be furnished.

(*3*) If any requisition made under sub-rule (*1*) or sub-rule (*2*) is not complied with within two months, the application received under rule 80 shall be refused.

Power to Corporation to employ licensed building surveyor to prepare site-plan, etc., for hut.

83. The Corporation may—

(*a*) on the application of any person who intends to erect a new building which is a hut, and

(*b*) on payment, by such person, of such fees as the Corporation may prescribe in that behalf,

employ a licensed building surveyor to prepare, in respect of such hut, the plans, sections and specifications prescribed by rule 80.

Permission to execute work when to be given or refused.

84. Within fourteen days after the receipt of any application made under rule 80 for permission to erect a new building which is a hut, or of any information or plan or further information or fresh plan required under this schedule, or within fourteen days after the Corporation have been satisfied that there are no objections which may lawfully be taken to the execution of the work, the Corporation shall, by written order, either grant such permission or refuse to grant the same on one or more of the grounds mentioned in rule 86.

Remedy if Corporation delay grant or refusal of permission.

85. If, within the period prescribed by rule 84, the Corporation have neither granted nor refused to grant permission to erect a new building which is a hut, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 86, 87.)

Grounds on which permission to erect a hut may be refused.

86. The only grounds, on which permission to erect a new building which is a hut, may be refused are the following, namely:—

(*1*) that the work would contravene some specific provisions of this Act, or some specific order, rule or by-law made thereunder;

(*2*) that the application for such permission does not contain the particulars or is not prepared in the manner, prescribed in this schedule;

(*3*) that, in the case of a new building which is a hut falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the improvement of Calcutta has not been obtained; Ben. Act V of 1911.

(*4*) that any plan, section or specification has not been signed as prescribed by rule 80, sub-rule (*2*);

(*5*) that any information or plan required by the Corporation under this schedule has not been duly furnished; or

(*6*) that the applicant has not satisfied the Corporation in regard to any objections which may have been taken under these rules to the grant of the said permission.

Retention of plans, and submission of fresh application, after refusal of permission to erect a hut.

87. When permission to erect a new building which is a hut is refused,—

(*a*) the Corporation shall retain one copy of each of the plans, and shall without charge furnish the applicant with their reasons for such refusal in writing, and

(*b*) the applicant may at any time send to the Corporation a fresh application and a fresh or modified plan under rule 80 framed with the object of meeting the objections for which such permission was refused.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 88—91.)

88. (*1*) Subject to the provisions of rule 85, the erection of a new building which is a hut shall not be commenced unless and until the Corporation have granted written permission for the execution of the work on an application sent to them under rule 80.

Work not to be commenced unless and until permission given;

(*2*) If any hut, permission to erect which was granted before the commencement of this Act, is not wholly completed within three years from the commencement of this Act, the said permission shall be deemed to have lapsed and any work done thereunder, after the said three years, shall be deemed to have been done without permission.

89. If the erection of any new building which is a hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this schedule.

Lapse of permission, if not acted upon within six months.

Part X.—Application of rules in this schedule to alterations of, and additions to, buildings.

90. In applying rule 3 in the case of an alteration of, or addition to, any building, the angle at which the lines referred to in sub-rule (*1*) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

Relaxation of rule 3.

Provided that nothing contained in this rule shall authorise any addition to a building which would make it higher than any building which, at the commencement of this Act, was standing on the same portion of the site unless it is otherwise permissible under this schedule.

91. Rule 30 shall apply to alterations of, or additions to, any domestic building, public building or building of the warehouse class [not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (*d*) of sub-section (*1*) of section 324] above the ground-floor, even though the open space required under the said rule has not been left on the ground-floor.

Applicability of rule 30 to alterations and additions above the ground-floor.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rule 92.)

Restriction on application of Rules 52 to 65 or 80 to 89.

92. (*1*) Rules 52 to 65, or rules 80 to 89, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely,—

(*a*) the construction or reconstruction of a roof or an external or party wall,

(*b*) any repairs to the building which involve the reconstruction of—

(*i*) a masonry wall,

(*ii*) the floor of a room (excluding the ground-floor),

(*iii*) a lift-shaft, or

(*iv*) a chimney,

after the same has been entirely or in great part demolished,

(*c*) the closing of any door or window in an external wall,

(*d*) the construction of an internal wall or partition,

(*e*) any other alteration of the internal arrangements of a building which affects an alteration of its court-yard or court-yards or its drainage, ventilation or sanitary arrangements, or which affects its security,

(*f*) the addition of any building, room, out-house or other structure,

(*g*) the roofing of any space between one or more walls and buildings,

(*h*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*i*) the conversion of two or more places of human habitation into a greater number of such places, or

(*j*) the alteration of a building for the purpose of effecting a partition amongst joint owners.

(Schedule XVII.—Rules as to the use of building-sites and the execution of building-work.—Rules 93, 94.)

(*2*) In the case referred to in clause (*g*) of sub-rule (*1*), the said rules 52 to 65, or rules 80 to 89, as the case may be, shall apply only as regards the structure which is formed by roofing a space, and not as regards adjoining buildings.

93. (*1*) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 92, he may send to the Corporation an application for provisional permission to proceed with the work. **Grant to provisional permission to proceed with work in cases of urgency.**

(*2*) Such application shall contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(*3*) Within a period of three days after the receipt of any such application, the Corporation shall, by written order, either grant or refuse to grant provisional permission to proceed with the work.

(*4*) If, within the said period of three days, the Corporation have neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rule or by-law made thereunder.

(*5*) Whenever such provisional permission is granted, and in any case provided for by sub-rule (*4*), the applicant shall, within fifteen days send to the Corporation a regular application for permission to execute the work; and, if he fails to do so, the provisional permission shall be deemed to be withdrawn.

94. (*1*) Notwithstanding anything contained in this schedule, but subject to the provisions of section 331, the Corporation may at any time, in dealing with any application to erect a new building as defined in sub-clauses (*b*), (*c*) or (*d*) of clause (*46*) of section 3 or to add to, alter, or do any other work referred to in section 330 to, any building erected before the first day of April, 1900, relax, for special reasons to be recorded in writing, the following rules in this schedule, in the manner and circumstances specified hereunder, namely:— **Power of Corporation to relax certain rules as provided under section 331.**

(*a*) Rules 30 and 32 may be relaxed so as to prevent the demolition of any material part of any

(Schedule XVII.—Rules as to the use of building-sites and the execution of building work.—Rule 94.)

masonry building existing on the space required to be kept open under the said rules:

Provided that—

(*i*) the new building conforms to the other rules of this schedule; and

(*ii*) in no case shall the height or extent of the buildings on the said space be increased or added to, unless this is otherwise permissible under the said rules.

(*b*) Rule 29 may be relaxed, provided that the building confirms with the provisions of either rule 23 or rule 30.

(*2*) Notwithstanding anything contained in this schedule, but subject to the provisions of section 331, the Corporation may at any time, in dealing with an application to add to, alter, or do any work referred to in section 330 to, any building erected before the first day of April, 1900, relax, for special reasons to be recorded in writing, rule 23, provided that some substantial increase is nevertheless made in the area of the open space belonging to the premises and already forming a part of the site.

(*Schedule XVIII.—Rules for the inspection and regulation of land and buildings.—Rules 1—3.*)

SCHEDULE XVIII.

RULES FOR THE INSPECTION AND REGULATION OF LAND AND BUILDINGS.

[*See sections* [1]*364 (10), 380, 384 and 488.*]

1. (*1*) The Corporation may cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof. **Power to inspect premises for sanitary purposes.**

(*2*) If the Corporation have reason to believe that any building is used as a public lodging-house or is let out in rooms to twenty-five or more lodgers, such inspection may be made at any time by day or by night:

Provided that no such inspection shall be made by night except by an officer specially authorized by the Health Officer in that behalf.

2. If it appears to the Corporation necessary for sanitary reasons so to do, they may, by written notice, require the owner or occupier of any building inspected under rule 1 to cause the same or any portion thereof to be lime-washed or otherwise cleansed, either externally or internally or both externally and internally. **Power to Corporation to require cleansing and lime-washing of building.**

3. If any land or building— **Power to Corporation to require owner to secure, enclose, cleanse, or clear land or building which is untenanted, filthy or a nuisance.**

(*a*) by reason of abandonment or disputed ownership or for any other reason, remains untenanted and thereby becomes a resort of idle and disorderly persons, or

(*b*) is in a filthy or unwholesome state, or

(*c*) is complained of by any two or more of the persons residing in its neighbourhood as a nuisance,

the Corporation, after due inquiry, may give written notice to the owner or to any person who is known or believed to claim to be the owner,

and shall also affix a copy of the said notice on the door of the building or on some conspicuous part of the land, as the case may be,

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[1]Reference to section "364 (*10*)" was substituted for reference to section "364 (*11*)" by s. 11 of the Calcutta Municipal (Amendment) Act, 1930 (Ben. Act IV of 1930).

(Schedule XVIII.—Rules for the inspection and regulation of land and buildings.—Rules 4—6.)

requiring the said owner or any person who is known or believed to claim to be the owner properly to secure, enclose, cleanse or clear the same or otherwise abate the nuisance.

Power to Corporation to demolish, repair or secure wall, building or fixture in a ruinous state, etc.

4. *(1)* If any wall or building, or anything affixed thereto, be deemed by the Corporation to be in a ruinous state, or likely to fall, or to be in any way dangerous, they shall forthwith cause a written notice to be served on the owner and also to be put on some conspicuous part of the wall or building or served on the occupier (if any) of the building, requiring such owner or occupier, forthwith to demolish, repair or secure such wall, building or thing as the case may require.

(2) The Corporation may also, if it appears to them to be necessary to do so, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wall or building for the safety of the public or the inmates thereof; and may also, after giving them such notice as the Corporation may think necessary, require the inmates of the building to vacate it.

(3) The provisions of this Act and of any rules or by-laws made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-rule *(1)*.

Power to Corporation to sell materials of buildings demolished in pursuance of notice issued under rule 4.

5. If any building, or any part of a building, be demolished by the Corporation under section 510, in pursuance of a notice issued under rule 4, they may sell the materials thereof and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

Further powers to Corporation with reference to insanitary or congested buildings.

6. *(1)* Whenever the Corporation consider—

(a) that any building is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing attended with risk to the health of the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health, or

(b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

they may cause a written notice to be fixed to some conspicuous part of the building or block requiring the owners or occupiers thereof, or, at the option of the Corporation, the owners of the land occupied by such building or block, to execute such works or take such measures as the Corporation may deem necessary for the prevention of such risk.

(*2*) Where any building, or part thereof, in respect of which a notice has been issued under sub-rule (*1*), has been demolished in pursuance of an order made by a Magistrate under section 364, the Corporation shall pay reasonable compensation to the owner thereof.

Power to Corporation to direct the filling up, etc., of unwholesome wells, pools, etc.

7. (*1*) When—

(*a*) any well, pool, ditch, tank, pond, pit or marshy or undrained ground, or

(*b*) any cistern, reservoir or water-butt or any other receptacle or place where water is stored or accumulates, or

(*c*) any waste or stagnant water, whether within any private enclosure or not,

appears to the Corporation to be or to be likely to become injurious to health or offensive to the neighbourhood or in any other respect a nuisance, they may, by written notice, require the owner or occupier of the land or building to which such well, pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water pertains,

to cleanse or to fill up the same with suitable material or to drain off or remove water therefrom or to take such other order therewith as the Corporation may deem necessary.

(*2*) Where, in the opinion of the Health Officer, such well, pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water is or is likely to become a breeding place for mosquitoes, he may enter upon the premises to which it pertains and take such steps as he thinks proper to cleanse the same.

(*3*) If the Corporation, in exercise of the powers conferred by section 510, execute any work referred to in a notice issued under sub-rule (*1*), and if the person liable to pay the expenses of such work fails to pay the same, the Corporation may, until such expenses are paid,—

(*i*) lease any part of the land used in connection with the said well, pool, ditch, tank, pond,

pit, cistern, reservoir, water-butt, receptacle, place or water, or any part of the said ground, as the case may be, or

(ii) retain possession of the same, or the site thereof, and utilize it for public purposes.

(4) If the said expenses be paid by an occupier of land, he may, in the absence of any agreement to the contrary, deduct the same from any rent due to the owner of the land.

Power to Executive Officer to take action in case of a serious nuisance affecting the public health.

8. On receipt of a written report from the Health Officer of the existence of a serious nuisance likely to affect the public health or to prove offensive to the neighbourhood, the Executive Officer may take immediate action for the abatement or removal of such nuisance.

Power to Corporation to regulate excavations.

9. (1) The Corporation may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

(a) the making of excavations for the purpose of taking earth therefrom, or of storing rubbish or offensive matter therein, and

(b) the digging of cesspools, tanks, ponds, wells or pits, without the special permission of the Corporation.

(2) Every such order shall be published in the [1][*Official Gazette*].

(3) No person shall make any excavation referred to in clause (a) of sub-rule (1), or dig any cesspool, tank, pond, well or pit, in contravention of any such order.

(4) If any such excavation, cesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Corporation may, by written notice, require the owner or occupier of the land on which the same is made or dug to fill it up with earth or other material approved of by the Corporation.

[1]*See* footnote 2 on p. 2, *ante*.

SCHEDULE XIX.[1]

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

[*See sections 386, 389, 494 and 495, and Schedule XVII, rules 53 (4) and 81 (2).*]

(1) Casting metals.

(2) Manufacturing bricks, pottery or tiles.

(3) As a knacker's yard.

(4) As a hide godown or hide screw-house.

(5) As a manufactory or place of business from which offensive or unwholesome smells, fumes or dust arise.

(6) As a depot for hay, straw, wood, coal, coke, waste paper or rags.

(7) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

cloths or threads in indigo or other colours,	pottery,
paper.	silk.

[1]Sub-section (*1*) of section 483 authorises alteration of, addition to or cancellation of any part of, or of any rule contained in, any Schedule to this Act except Schedule I. This Schedule XIX has been amended in accordance with the notifications issued and rules published under these powers up to the 27th August, 1940.

(Schedule XIX.—Certain purposes for which premises may not be used without a license.)

(8) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

blasting powder,
blood,
bones,
brass,
candles,
catgut,
chemical preparations,
china grass,
cocoanut fibre,
cotton (other than cotton pressed into bales), or cotton refuse or seed,
dal,
dammer (resin or rosin),
dynamite,
fat (edible or non-edible),
fins,
fireworks,
fish,
flax,
flour,
fulminate of mercury,
gas,
glue,
grain,
gram,
ground-nut,
gun-cotton,
gun-powder,
gur,
hair,
hemp,
hides,
hoofs,
horns,
iron,
jute,
kaslin,
lampblack,
leather,
lime,
manure,
matches for lighting,
meat,
molasses,
mustard-seeds,
nitro-glycerine,
offal,
oil (edible or non-edible),
oil cloth,
paint,
pakra seed,
pea,
pitch,
rags,
rice,
rosin,
saltpetre,
skins,
soap,
soap-stone,
spirits,
steel,
sugar,
sulphur,
surki,
tallow,
tar,
tin,
tobacco,
tow,
turpentine,
varnish,
verdigris,
waste paper,
wool.

(Schedule XX.—Form of Certificate.)

SCHEDULE XX.

FORM OF CERTIFICATE.

(See sections 423 and 425.)

To[1]

I, the undersigned, public analyst for the do hereby certify that I received on the day of 19 , from[2] a sample of for analysis (which then weighed[3]) and have analysed the same and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of

Observations.[4]

Signed this day 19

A.B.

at

---

[1]Here insert the name of the person submitting the article for analysis.

[2]Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

[3]When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

[4]Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable, or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether it was in excess of what is ordinary or otherwise.

NOTE.—In the case of a certificate regarding milk, butter or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

SCHEDULE XXI.

Registration of births.

(See sections 450 and 451.)

19 . *Births in the district of*

Serial number.	Date of birth.	Place of birth.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Signature description and residence of informant.	Date of registration.	Signature of Registrar.
1	2	3	4	5	6	7	8	9	10	11

SCHEDULE XXII.

REGISTRATION OF DEATHS.

(See sections 450, 452, 453 and 455.)

19 . *Deaths in the district of*

Serial number.	Date of death.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Name of medical attendant (if any) during last illness.	Residence at time of death.	Residence previous to last illness.	Signature, description and residence of informant.	Date of registration.	Signature of Registrar.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

(Schedule XXIII.—Form of notice to be issued on yellow paper and affixed on premises when other means of service not available.)

SCHEDULE XXIII.

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER AND AFFIXED ON PREMISES WHEN OTHER MEANS OF SERVICE NOT AVAILABLE.

(See sections 504 and 505.)

To (*name and address*)

[*or*, to the owner or occupier of (*number of building or description of land and number of premises in assessment-book*).]

Take notice that a bill (*or, as the case may be*) has been issued against you to the following effect (*state the substance of the document*) and that you are required to (*state the requirement as mentioned in the document*).

Dated this *day of*

(Signature of municipal officer or other person issuing the notice.)

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